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# Land Development Code

Cincinnati, Ohio

**SECOND DRAFT**

**OCTOBER 17, 2014**



# Table of Contents

**Chapter 1701. Introductory Provisions..... 1-1**

Sec. 1701-1. Legal Provisions ..... 1-2

Sec. 1701-2. Establishment of Zoning Districts ..... 1-4

Sec. 1701-3. Zoning Map..... 1-6

**Chapter 1703. Use Districts.....3-1**

Sec. 1703-1. Single-Family Districts.....3-5

Sec. 1703-2. Multi-Family Districts .....3-17

Sec. 1703-3. Mixed Use and Commercial Districts .....3-25

Sec. 1703-4. Industrial Districts .....3-37

Sec. 1703-5. Riverfront Districts .....3-45

Sec. 1703-6. Special Districts.....3-53

Sec. 1703-7. Downtown Districts.....3-63

Sec. 1703-8. Planned Development Districts .....3-79

Sec. 1703-9. ~~Allowed-Permitted Uses & Use Standards~~.....3-85

~~Sec. 1703-10. Use Standards .....3-94~~

Sec. 1703-10. Rules of Measurement .....3-125

**Chapter 1707. Overlay Districts.....7-1**

Sec. 1707-1. Historic Preservation Overlay District .....7-3

Sec. 1707-2. Hillside Overlay District .....7-15

Sec. 1707-3. Stream Corridor Setbacks Overlay District .....7-18

Sec. 1707-4. Urban Design Overlay District.....7-22

Sec. 1707-5. Interim Development Controls Overlay District.....7-27

<b>Chapter 1711. Site Development .....</b>	<b>11-1</b>
Sec. 1711-1. Parking .....	11-3
Sec. 1711-2. Landscaping and Buffering.....	11-20
Sec. 1711-3. Signs.....	11-28
Sec. 1711-4. Site Lighting.....	11-54
Sec. 1711-5. Outdoor Storage and Display.....	11-55
 <b>Chapter 1751. Administration .....</b>	 <b>51-1</b>
Sec. 1751-1. LDC Review.....	51-3
Sec. 1751-2. Relief .....	51-6
Sec. 1751-3. Director Actions .....	51-8
Sec. 1751-4. Public Hearings .....	51-13
Sec. 1751-5. Zoning Hearing Examiner (ZHE).....	51-14
Sec. 1751-6. Historic Conservation Board .....	51-17
Sec. 1751-7. Zoning Board of Appeals.....	51-19
Sec. 1751-7. Nonconformities.....	51-20
Sec. 1751-9. Enforcement and Penalties.....	51-23
 <b>Chapter 1753. Definitions .....</b>	 <b>53-1</b>
Sec. 1753-1. General Meaning of Words and Terms.....	53-2
Sec. 1753-2. Defined Terms.....	53-2



# Chapter 1701. Introductory Provisions

<b>Sec. 1701-1. Legal Provisions .....</b>	<b>1-2</b>
1701-1.1. Establishment .....	1-2
1701-1.2. Purposes .....	1-2
1701-1.3. Applicability .....	1-2
1701-1.4. Zoning Designation System.....	1-3
1701-1.5. Interpretation .....	1-3
<b>Sec. 1701-2. Establishment of Zoning Districts .....</b>	<b>1-4</b>
1701-2.1. General Provisions .....	1-4
1701-2.2. Base Districts .....	1-4
1701-2.3. Special Review Districts .....	1-4
1701-2.4. District Hierarchy .....	1-5
<b>Sec. 1701-3. Zoning Map.....</b>	<b>1-6</b>
1701-3.1. Unconstitutionality .....	1-6
1701-3.2. Interpretation of District Boundaries .....	1-6
1701-3.3. Lots Divided by District Boundaries.....	1-6

# Sec. 1701-1. Legal Provisions

## 1701-1.1. Establishment

Title XVII of the Cincinnati Municipal Code is established under the authority vested in the City of Cincinnati by Section 3 of Article XVIII, Ohio Constitution, and Articles I, II, and VII of the Charter of the City of Cincinnati. This Title XVII of the Cincinnati Municipal Code shall be known as the "Land Development Code" or "LDC."

## 1701-1.2. Purposes

The Land Development Code is adopted to:

- A. Provide a guide for the physical development of the city.
- B. Preserve the character and quality of residential neighborhoods.
- C. Foster convenient, harmonious and workable relationships among land uses.
- D. Achieve the arrangement of land uses described in the comprehensive plan for the development of the City as may have been adopted by Council.
- E. Promote the economic stability of existing land uses and protect them from intrusions by inharmonious or harmful land uses.
- F. Provide opportunities for economic development and new housing for all segments of the community.
- G. Create pedestrian-friendly environments to reduce reliance on the automobile for travel.
- H. Prevent excessive population densities and overcrowding of land or buildings.
- I. Ensure the provision of adequate open space for light, air and fire safety.
- J. Ensure that development is compatible with the environment, particularly on the hillsides and along the riverfront.
- K. Promote the conservation, protection, restoration and enhancement of the historic resources of the city.

- L. Lessen congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.
- M. Provide effective signage that is compatible with the surrounding urban environment.
- N. Set standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.
- O. Define the powers and duties of the administrative officers, hearing officers and the Zoning Board of Appeals.
- P. Provide penalties for violations of the provisions of the Land Development Code.

## 1701-1.3. Applicability

All development must comply with the standards, criteria and procedures of the Land Development Code. Development may not be undertaken without prior authorization pursuant to the Land Development Code

### A. Applicability to Property

The Land Development Code applies to all land within the City of Cincinnati, including land owned by the City of Cincinnati and other local, state, or federal agencies to the extent ~~allowed~~ permitted by law. Application of regulations to specific lots is governed by the zoning map.

### B. Compliance with Regulations

Land may not be used, and structures may not be constructed, occupied, enlarged, altered, demolished or moved, except in accord with the provisions of the Land Development Code.

### C. Public Nuisance

Neither the provisions of this Chapter or the approval of any permit authorized by the Land Development Code authorizes the maintenance of any public nuisance.

#### **D. Conflict with Other Regulations**

Where conflict occurs between the provisions of the Land Development Code and any other City code, chapter, resolution, guideline or regulation, the more restrictive provision controls, unless otherwise specified in this Chapter.

#### **E. Extension of Time for Holidays and Weekends**

If a deadline falls on a weekend or holiday, the time for performing an act is extended to the next working day.

### **1701-1.4. Zoning Designation System**

Land use and development regulations applicable to specific sites are shown on the Zoning Map by zoning designations consisting of classes of letter designators:

#### **A. Land Use Regulations Designator**

This designator indicates the principal land uses permitted or conditionally permitted in each district and is a component of all zoning designations, for example, SF Single-family Residential District, RM Residential Multi-family District or CN Commercial Neighborhood District.

#### **B. Single-Family Density Designator**

This designator indicates a subdistrict with a specific range of dwelling unit densities as a component of certain residential zoning designations, for example, SF-20 Single-family Residential District is the lowest density range, which requires 20,000 square feet for every dwelling unit.

#### **C. Subarea Designation**

Within the DD Downtown Development District, subdistricts are designated by letters (A, B, C or D) following the zoning district designation.

#### **D. Special Review District Designators**

These designators are included in a zoning designation if the provisions of one or more districts are applicable to a site or area. For example, HS indicates that the property is within a Hillside District.

### **1701-1.5. Interpretation**

The provisions of the Land Development Code are the minimum requirements necessary to promote the public health, safety, convenience, comfort, prosperity, and general welfare. Where the Land Development Code imposes a greater restriction on the use of buildings or premises or on the heights of buildings, or requires larger setbacks, lot area for every dwelling unit, or other open spaces, or requires more parking and loading space or is in any way more restrictive than other provisions of law or ordinance, the provisions of the Land Development Code control.

# Sec. 1701-2. Establishment of Zoning Districts

For the purposes of the Land Development Code, the City of Cincinnati is divided into zoning districts. These zoning districts are intended to:

## 1701-2.1. General Provisions

### A. Location and Use

Regulate and restrict the location and use of buildings and land for residence, commerce and trade, industry, transportation, communications and utilities and other purposes.

### B. Dimensions

To regulate and restrict the height and size of buildings and structures hereafter erected or structurally altered, the size of yards, setbacks, other open spaces and the density of population.

### C. Standards

To establish site development and design standards, subdivision standards and requirements for adequate public facilities and services.

## 1701-2.2. Base Districts

### Sec. 1703-1. Single-Family Districts

Single-Family (SF-20)

Single-Family (SF-10)

Single-Family (SF-6)

Single-Family (SF-4)

Single-Family (SF-2)

### Sec. 1703-2. Multi-Family Districts

Multi-Family-Low (RM-L)

Multi-Family-Medium (RM-M)

Multi-Family-High (RM-H)

### Sec. 1703-3. Mixed Use and Commercial Districts

Residential Mixed Use (RX)

Neighborhood Mixed Use (NX)

Commercial Mixed Use (CX)

Commercial ~~Auto-oriented~~ (CA)

### Sec. 1703-4. Industrial Districts

Industrial Mixed Use (IX)

Industrial Agriculture (IA)

Industrial Heavy (IH)

### Sec. 1703-5. Riverfront Districts

Riverfront Residential/Recreational (RF-R)

Riverfront Commercial (RF-C)

Riverfront Manufacturing (RF-M)

### Sec. 1703-6. Parks and Institutional Districts

Parks and Recreation (PR)

Institutional-Residential (IR)

### Sec. 1703-7. Downtown Districts

Downtown Core (DD-A)

Downtown Residential (DD-B)

Downtown Support (DD-C)

Downtown Riverfront (DD-D)

### Sec. 1703-8. Planned Development Districts

Planned Development (PD)

## 1701-2.3. Special Review Districts

For the purposes of the Land Development Code, special review districts may be applied to the zoning districts established in Sec. 1701-2.2.

### ~~Sec. 1705-1. Historic Landmarks and Districts~~

### Sec. 1707-1. Historic Preservation Overlay District

Historic Landmarks (HL)

Historic Districts (HD)

### ~~Sec. 1705-2. Hillside Districts~~

### Sec. 1707-2. Hillside Overlay District

Hillside Overlay (HS)

~~Sec. 1705-3. Stream Corridor Districts~~

**Sec. 1707-3. Stream Corridor Setbacks Overlay District**

Stream Corridor Overlay (SC)

~~Sec. 1705-4. Urban Design Districts~~

**Sec. 1707-4. Urban Design Overlay District**

Urban Design (UD)

~~Sec. 1705-5. Interim Development Control Districts~~

**Sec. 1707-5. Interim Development Control Overlay District**

Interim Development Control (IDC)

- P.** Industrial Mixed Use (IX)
- Q.** ~~Commercial General~~ (CG)
- R.** Riverfront Commercial (RF-C)
- S.** Riverfront Manufacturing (RF-M)
- T.** Industrial Heavy (IH)

## **1701-2.4. District Hierarchy**

The term "more restrictive" district applies to any district in the sequence below that precedes any other district and the term "less restrictive" applies to any district that succeeds any other district below.

- A.** Single-family (SF-20)
- B.** Single-family (SF-10)
- C.** Single-family (SF-6)
- D.** Single-family (SF-4)
- E.** Single-family (SF-2)
- F.** Industrial Agriculture (IA)
- G.** Multi-Family-Low (RM-L)
- H.** Multi-Family-Medium (RM-M)
- I.** Multi-Family-High (RM-H)
- J.** Riverfront Residential/Recreational (RF-R)
- K.** Residential Mixed Use (RX)
- L.** Institutional-Residential (IR)
- M.** Neighborhood Mixed Use (NX)
- N.** Downtown Development (DD)
- O.** Commercial Mixed Use (CX)

## Sec. 1701-3. Zoning Map

Zoning district boundaries are established as shown on the Zoning Map that accompanies and is a part of the Land Development Code.

### 1701-3.1. Unconstitutionality

- A. If a court declares, by a judgment or decree that is final and further appeal is no longer available, that the zoning of property is unconstitutional or otherwise invalid, the property affected is thereupon subject to the restrictions applicable to the next less restrictive district. Provided however, if the court, in such judgment or decree, declares that the property may be used for a particular use or uses because the City has no right to prohibit such use or uses on the property, then the property shall be subject to the restrictions applicable to the most restrictive district in which the particular use or uses declared proper by the court are permitted.
- B. The zoning restrictions made applicable to property pursuant to this section remain in effect for a period not to exceed 120 days after the judgment or decree declaring the prior zoning unconstitutional or invalid becomes final.
- C. The purpose of this section is to prevent property from being unzoned from the time the zoning thereof is held unconstitutional or invalid until rezoned by Council.

### 1701-3.2. Interpretation of District Boundaries

Where uncertainty exists regarding the boundary of a zoning district, the following rules apply:

#### A. Property Lines

District boundaries shown as approximately following the property line of a lot are construed to follow such property line.

#### B. Scale

On unsubdivided land or where a district boundary divides a lot, the location of the district boundary is determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.

#### C. Boundary Lines

District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow such right-of-way or boundary lines.

#### D. Centerlines

District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow the centerline of such right-of-way or boundary lines.

#### E. Uncertainty

If any uncertainty remains as to the location of a district boundary or other feature shown on the zoning map, the Director has the duty to determine the location.

#### F. Records

The Director has the duty to keep a record of interpretations made pursuant to this section and keep them available to the public.

### 1701-3.3. Lots Divided by District Boundaries

Where a district boundary divides a lot in single ownership and of record prior to and continuously since the time the district boundary line was established, the use authorized on and the district requirements of the least restricted portion of the lot are construed as extending to the entire lot; provided that the extension may not include any part of the lot that is more than 25 feet from that district boundary.

# Chapter 1703. Use Districts

<b>Sec. 1703-1. Single-Family Districts .....</b>	<b>3-5</b>
1703-1.1. Purposes.....	3-5
1703-1.2. Subdistricts.....	3-5
1703-1.3. SF-20 Single-Family.....	3-6
1703-1.4. SF-10 Single-Family.....	3-8
1703-1.5. SF-6 Single-Family.....	3-10
1703-1.6. SF-4 Single-Family.....	3-12
1703-1.7. SF-2 Single-Family.....	3-14
<b>Sec. 1703-2. Multi-Family Districts .....</b>	<b>3-17</b>
1703-2.1. Purposes.....	3-17
1703-2.2. Subdistricts.....	3-17
1703-2.3. RM-L Multi-Family Low .....	3-18
1703-2.4. RM-M Multi-Family Medium .....	3-20
1703-2.5. RM-H Multi-Family High.....	3-22
<b>Sec. 1703-3. Mixed Use and Commercial Districts .....</b>	<b>3-25</b>
1703-3.1. Purposes.....	3-25
1703-3.2. Subdistricts.....	3-25
1703-3.3. RX Residential Mixed Use .....	3-26
1703-3.4. PX Pedestrian Mixed Use.....	3-28
1703-3.5. NX Neighborhood Mixed Use.....	3-30
1703-3.6. CX Commercial Mixed Use .....	3-32
1703-3.7. CG Commercial General .....	3-34
<b>Sec. 1703-4. Industrial Districts.....</b>	<b>3-37</b>
1703-4.1. Purposes.....	3-37
1703-4.2. Subdistricts.....	3-37
1703-4.3. IX Industrial Mixed Use.....	3-38
1703-4.4. IA Industrial Agricultural.....	3-40
1703-4.5. IH Industrial Heavy .....	3-42
<b>Sec. 1703-5. Riverfront Districts .....</b>	<b>3-45</b>
1703-5.1. Purposes.....	3-45
1703-5.2. Subdistricts.....	3-45
1703-5.3. RF-R Riverfront Residential/Recreational .....	3-46
1703-5.4. RF-C Riverfront Commercial .....	3-48
1703-5.5. RF-M Riverfront Manufacturing .....	3-50

## **Sec. 1703-6. Special Districts .....3-53**

1703-6.1. Purposes.....	3-53
1703-6.2. Subdistricts.....	3-53
1703-6.3. PR Parks and Recreational .....	3-54
1703-6.4. IR Institutional Residential .....	3-56

## **Sec. 1703-7. Downtown Districts.....3-63**

1703-7.1. Purposes.....	3-63
1703-7.2. Purpose of Subdistricts.....	3-63
1703-7.3. Development Regulations .....	3-65
1703-7.4. Floor Area Ratio (FAR).....	3-66
1703-7.5. Required Residential Uses .....	3-67
1703-7.6. Maximum Building Height.....	3-67
1703-7.7. Minimum Facade Height .....	3-67
1703-7.8. Commercial Continuity.....	3-69
1703-7.9. Skywalk Overlay.....	3-69
1703-7.10. Ground Floor Transparency .....	3-69
1703-7.11. Required Parking Spaces.....	3-69
1703-7.12. Location of Parking.....	3-69
1703-7.13. Accessory Surface Parking.....	3-69
1703-7.14. Off-Site Parking.....	3-69
1703-7.15. Lot and Structure Design .....	3-71
1703-7.16. Design Review of Parking Garages.....	3-71
1703-7.17. Parking Signs .....	3-73
1703-7.18. Loading Requirements.....	3-73
1703-7.19. Signs .....	3-73
1703-7.20. Additional Floor Area for Historic Conservation or Residential Development.....	3-76
1703-7.21. Design Review of Publicly-Funded Parking Garages.....	3-76
1703-7.22. Demolition.....	3-78
1703-7.23. Maintenance of Vacant Lots.....	3-78
1703-7.24. Landscaping.....	3-78

## **Sec. 1703-8. Planned Development Districts .....3-79**

1703-8.1. Specific Purposes .....	3-79
1703-8.2. Land Use Regulations.....	3-79
1703-8.3. Basic Requirements .....	3-79
1703-8.4. Establishment of Districts.....	3-79
1703-8.5. Concept Plan and Development Program Statement.....	3-80
1703-8.6. City Planning Commission and Council Action.....	3-80
1703-8.7. Amendment to a Planned Development Concept Plan.....	3-81
1703-8.8. Final Development Plan .....	3-81
1703-8.9. Planning Commission Approval of Final Development Plan.....	3-82
1703-8.10. Concurrent Approval of Concept Plan, Development Program Statement and Final Development Plan.....	3-83



1703-8.11. Appeals .....	3-83
1703-8.12. Limitation on Final Plan Implementation .....	3-84
1703-8.13. Final Development Plan Amendments .....	3-84
1703-8.14. Delegation of Duties .....	3-84

## **Sec. 1703-9. Allowed Permitted Uses & Use Standards ..... 3-85**

1703-9.1. Classification of Allowed Permitted Uses .....	3-85
1703-9.2. Uses Not Listed .....	3-85
<del>1703-9.3. Allowed Permitted Use Table .....</del>	<del>3-87</del>
1703-9.3. Residential .....	3-86
1703-9.4. Commercial/Services .....	3-91
1703-9.5. Industry, Manufacturing, & Processing .....	3-101
1703-9.6. Recreation, Education, & Public .....	3-104
1703-9.7. Agriculture .....	3-107
1703-9.8. Transportation, Communications, & Infrastructure .....	3-110
1703-9.9. Accessory .....	3-114

## ~~**Sec. 1703-10. Use Standards ..... 3-94**~~

## **Sec. 1703-10. Rules of Measurement ..... 3-125**

1703-10.1. Distances .....	3-125
1703-10.2. Floor Area Ratio .....	3-125
1703-10.3. Lot .....	3-126
1703-10.4. Building Setbacks .....	3-126
1703-10.5. Facade Zone .....	3-128
1703-10.6. Setback Encroachments .....	3-128
1703-10.7. Building Height .....	3-130
1703-10.8. Height Encroachments .....	3-130
1703-10.9. Story Height .....	3-131
1703-10.10. Transparency .....	3-131
1703-10.11. Pedestrian Access .....	3-131
1703-10.12. Neighborhood Compatibility .....	3-132
1703-10.13. Residential Garage Parking .....	3-133
1703-10.14. Residential Parking Location .....	3-134



## Sec. 1703-1. Single-Family Districts



### 1703-1.1. Purposes

The general purposes of the single-family districts are to:

- A.** Maintain and enhance existing residential housing areas.
- B.** Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- C.** Allow semi-public and nonresidential uses, where appropriate.
- D.** Establish appropriate standards for reviewing proposals for new development and redevelopment.
- E.** Ensure the provision of public services and facilities needed to accommodate planned population densities.
- F.** Maintain and enhance the availability and quality of life for residents.

### 1703-1.2. Subdistricts

#### **A. SF-20 Single-Family**

SF-20 allows large-lot single-family housing. The minimum lot size is 20,000 square feet.

#### **B. SF-10 Single-Family**

SF-10 allows low density single-family housing. The minimum lot size is 10,000 square feet.

#### **C. SF-6 Single-Family**

SF-6 allows medium-density single-family housing. The minimum lot size is 6,000 square feet.

#### **D. SF-4 Single-Family**

SF-4 allows moderately high density single-family housing. The minimum lot size is 4,000 square feet.

#### **E. SF-2 Single-Family**

SF-2 allows high-density, small lot, single-family housing. The minimum lot size is 2,000 square feet.

## 1703-1.3. SF-20 Single-Family

### A. Purpose

SF-20 allows large-lot single-family housing. The minimum lot size is 20,000 square feet.



### B. General

~~Allowed~~ Permitted uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

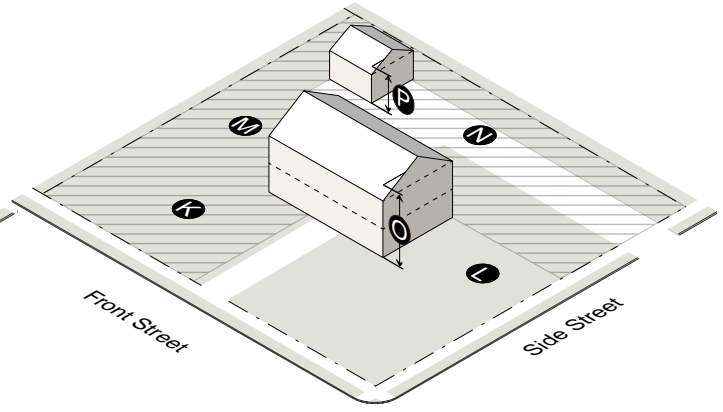
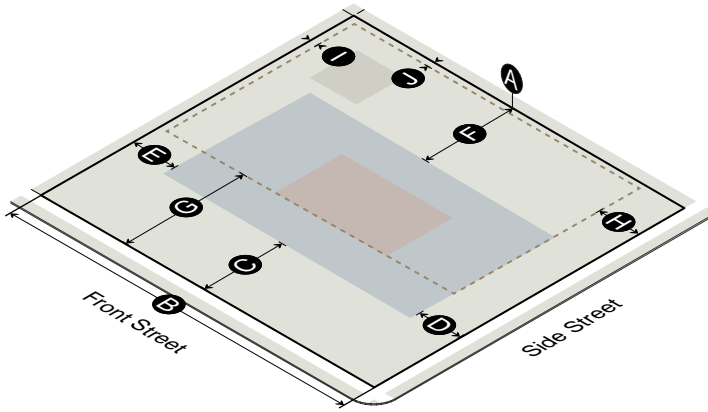
Site lighting

Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~

## 1703-1.3. SF-20 Single-Family



### C. Lot

Lot Dimensions		
Lot area	20,000 SF min.	A
Lot width*	70' min.	B

### D. Placement

Principal Building Setbacks		
Front street	30' min. or Avg. front setback (Sec. 1703-10.4.E)	C
Side street	15' min.	D
Side interior	10' min.	E
Side total	20' min.	
Rear	35' min.	F

Accessory Structure Setbacks**		
Front yard	Not Permitted	G
Corner yard	15' min.	H
Side interior	3' min.	I
Rear	3' min.	J
Size	800 SF max.	
Number	2 max.	

\*Does not apply to panhandle lots

\*\*On a double frontage lot, the Director or his/her designee shall determine the front and rear yards

### E. Parking

Parking Location		
Front yard	<del>40% max</del> Not Permitted* (see Sec. 1703-10.14)	K
Corner yard	Not Permitted	L
Side yard	Permitted	M
Rear yard	Permitted	N

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

Building Height		
Principal building	35' max.	O
Accessory structure	15' max.	P



## 1703-1.4. SF-10 Single-Family

### A. Purpose

SF-10 allows low density single-family housing. The minimum lot size is 10,000 square feet.



### B. General

~~Allowed~~ Permitted uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

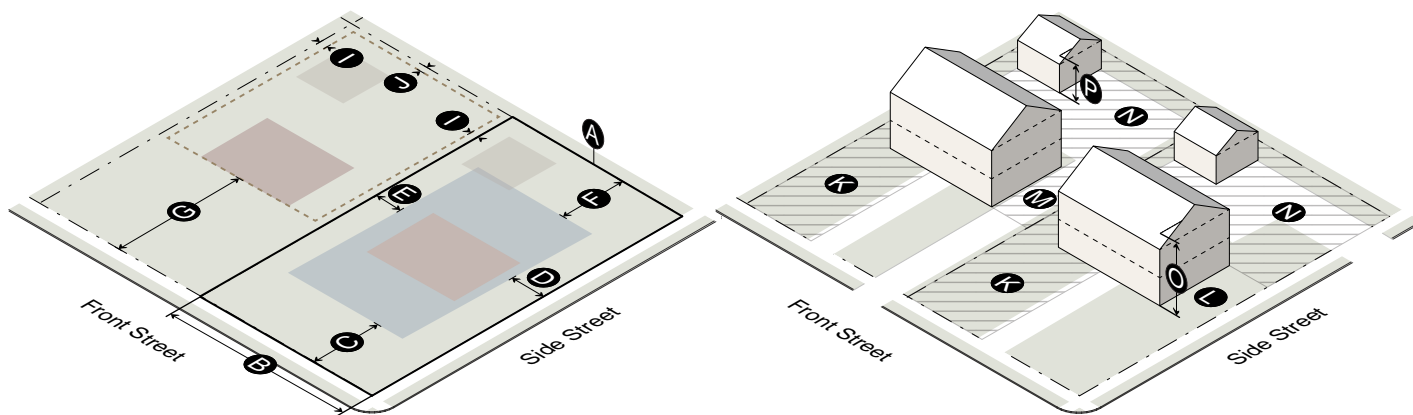
Site lighting

Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~

## 1703-1.4. SF-10 Single-Family



### C. Lot

Lot Dimensions		
Lot area	10,000 SF min.	<b>A</b>
Lot width*	60' min.	<b>B</b>

### D. Placement

Principal Building Setbacks		
Front street	30' min. or Avg. front setback (Sec. 1703-10.4.E)	<b>C</b>
Side street	15' min.	<b>D</b>
Side interior	10' min.	<b>E</b>
Side total	20' min.	
Rear	35' min.	<b>F</b>

Accessory Structure Setbacks**		
Front yard	Not Permitted	<b>G</b>
Corner yard	15' min.	<b>H</b>
Side interior	3' min.	<b>I</b>
Rear	3' min.	<b>J</b>
Size	800 SF max.	
Number	2 max.	

\*Does not apply to panhandle lots

\*\*On a double frontage lot, the Director or his/her designee shall determine the front and rear yards

### E. Parking

Parking Location		
Front yard	<del>40% max-</del> Not Permitted* (see Sec. 1703-10.14)	<b>K</b>
Corner yard	Not Permitted	<b>L</b>
Side yard	Permitted	<b>M</b>
Rear yard	Permitted	<b>N</b>

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

Building Height		
Principal building	35' max.	<b>O</b>
Accessory structure	15' max.	<b>P</b>

## 1703-1.5. SF-6 Single-Family

### A. Purpose

SF-6 allows medium-density, single-family housing. The minimum lot size is 6,000 square feet.



### B. General

~~Allowed~~ Permitted uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

Site lighting

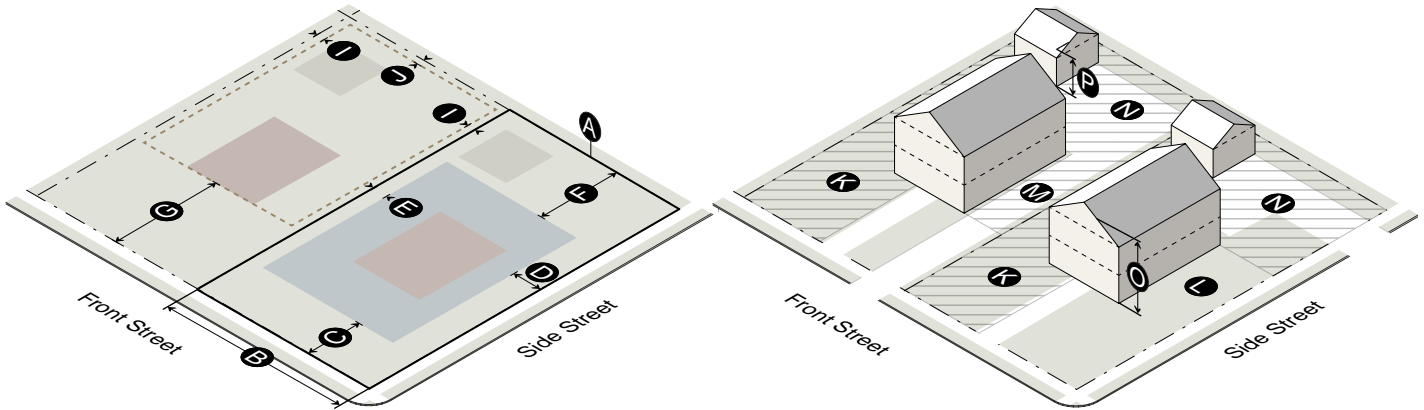
Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~



## 1703-1.5. SF-6 Single-Family



### C. Lot

Lot Dimensions		
Lot area	6,000 SF min.	<b>A</b>
Lot width*	50' min.	<b>B</b>

### D. Placement

Principal Building Setbacks		
Front street	20' min. <u>or Avg. front setback (Sec. 1703-11.4.E)</u>	<b>C</b>
Side street	10' min.	<b>D</b>
Side interior	<u>5' min.-7' min.</u>	<b>E</b>
Side total	<u>10' min.-16' min.</u>	
Rear	35' min.	<b>F</b>

Accessory Structure Setbacks**		
Front yard	Not Permitted	<b>G</b>
Corner yard	15' min.	<b>H</b>
Side interior	3' min.	<b>I</b>
Rear	3' min.	<b>J</b>
Size	800 SF max.	
Number	2 max.	

\*Does not apply to panhandle lots

\*\*On a double frontage lot, the Director or his/her designee shall determine the front and rear yards

### E. Parking

Parking Location		
Front yard	<del>40% max-</del> <u>Not Permitted*</u> (see Sec. 1703-10.14)	<b>K</b>
Corner yard	Not Permitted	<b>L</b>
Side yard	Permitted	<b>M</b>
Rear yard	Permitted	<b>N</b>

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

Building Height		
Principal building	35' max.	<b>O</b>
Accessory structure	15' max.	<b>P</b>

## 1703-1.6. SF-4 Single-Family

### A. Purpose

SF-4 allows moderately high density single-family housing. The minimum lot size is 4,000 square feet.



### B. General

~~Allowed~~ Permitted uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

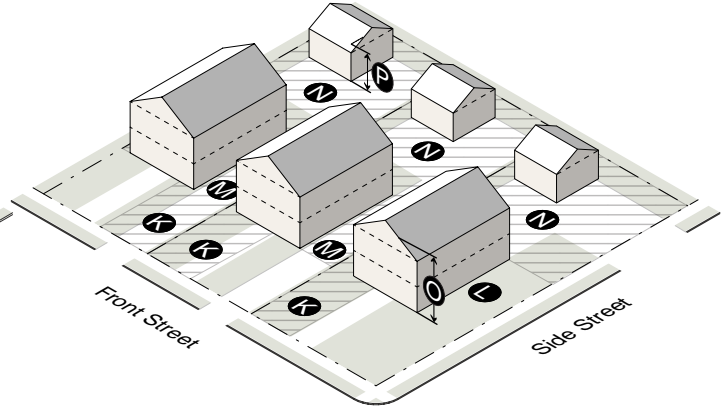
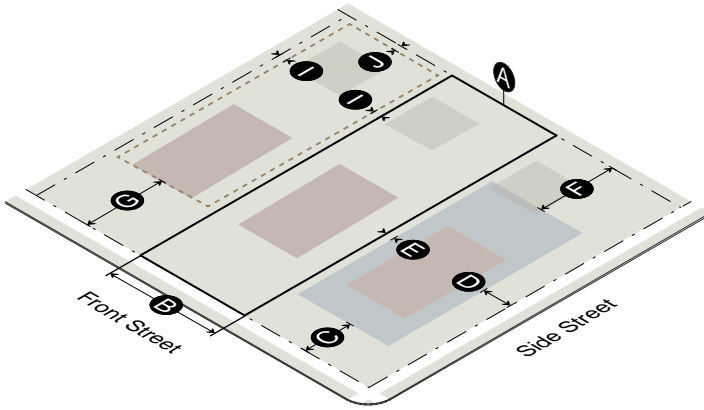
Site lighting

Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~

## 1703-1.6. SF-4 Single-Family



### C. Lot

Lot Dimensions		
Lot area	4,000 SF min.	<b>A</b>
Lot width*	40' min.	<b>B</b>

### D. Placement

Principal Building Setbacks		
Front street	15' min. <del>or Avg. front setback (Sec. 1703-11.4.E)</del>	<b>C</b>
Side street	10' min.	<b>D</b>
Side interior	3' min.	<b>E</b>
Side total	<del>6' min.</del> 12' min	
Rear	<del>35' min.</del> 25' min	<b>F</b>

Accessory Structure Setbacks**		
Front yard	Not Permitted	<b>G</b>
Corner yard	15' min.	<b>H</b>
Side interior	3' min.	<b>I</b>
Rear	3' min.	<b>J</b>
Size	800 SF max.	
Number	2 max.	

\*Does not apply to panhandle lots

\*\*On a double frontage lot, the Director or his/her designee shall determine the front and rear yards

### E. Parking

Parking Location		
Front yard	<del>40% max-</del> Not Permitted* (see Sec. 1703-10.14)	<b>K</b>
Corner yard	Not Permitted	<b>L</b>
Side yard	Permitted	<b>M</b>
Rear yard	Permitted	<b>N</b>

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

Building Height		
Principal building	35' max.	<b>O</b>
Accessory structure	15' max.	<b>P</b>

## 1703-1.7. SF-2 Single-Family

### A. Purpose

SF-2 allows high-density, small lot, single-family developments. The minimum lot size is 2,000 square feet.



### B. General

#### Permitted uses & use standards

Landscaping and buffering

Nonconformities

Parking

Rules of measurement

Signs

Site lighting

#### Sec. 1703-9

Sec. 1711-2

Sec. 1752-7

Sec. 1711-1

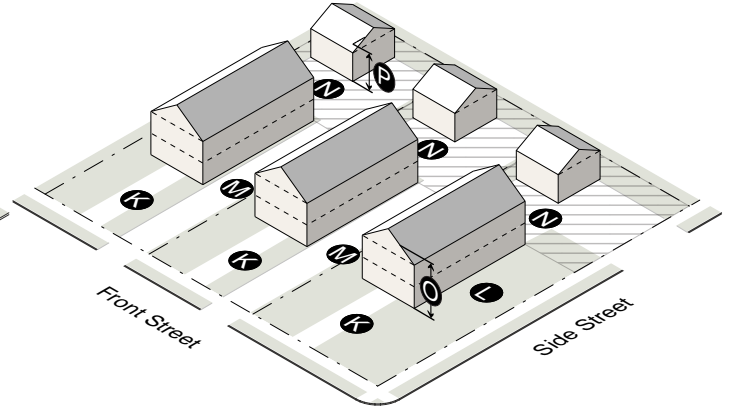
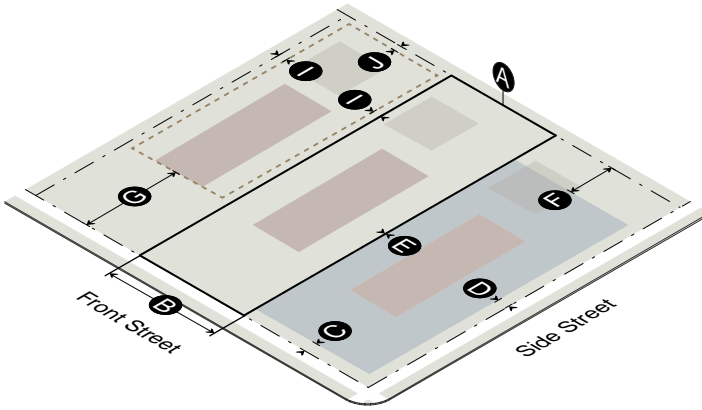
Sec. 1703-10

Sec. 1711-3

Sec. 1711-4



## 1703-1.7. SF-2 Single-Family



### C. Lot

Lot Dimensions		
Lot area	2,000 SF min.	<b>A</b>
Lot width*	20' min.	<b>B</b>

### D. Placement

Principal Building Setbacks		
Front street	5' min. <del>or Avg. front setback (Sec. 1703-11.4.E)</del>	<b>C</b>
Side street	5' min.	<b>D</b>
Side interior	0' min.	<b>E</b>
Side total	5' min.	
Rear	20' min.	<b>F</b>

Accessory Structure Setbacks**		
Front yard	Not Permitted	<b>G</b>
Corner yard	15' min.	<b>H</b>
Side interior	3' min.	<b>I</b>
Rear	3' min.	<b>I</b>
Size	800 SF max.	
Number	2 max.	

\*Does not apply to panhandle lots

\*\*On a double frontage lot, the Director or his/her designee shall determine the front and rear yards

### E. Parking

Parking Location		
Front yard	Not Permitted*	<b>K</b>
Corner yard	Not Permitted	<b>L</b>
Side yard	Not Permitted	<b>M</b>
Rear yard	Permitted	<b>N</b>

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

Building Height		
Principal building	35' max.	<b>O</b>
Accessory structure	15' max.	<b>P</b>



## Sec. 1703-2. Multi-Family Districts



### 1703-2.1. Purposes

The general purposes of the multi-family districts are to:

- A. Maintain and enhance the multi-family neighborhoods.
- B. Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- C. Allow semi-public and Non-residential uses, where appropriate.
- D. Establish appropriate standards for reviewing proposals for new development and redevelopment.
- E. Ensure the provision of services and facilities needed to accommodate planned population densities.

### 1703-2.2. Subdistricts

#### A. RM-L Multi-Family Low

RM-L is intended to create, maintain and enhance areas of the city that have a mix of lot sizes and house types at ~~moderate intensities~~ low densities (one to ~~three~~ four dwelling units). Existing nonconforming multi-family buildings of ~~four~~ five or more units may continue to exist in the district ~~but new construction permitted~~, but new construction of multi-family buildings of five or more units is not permitted.

#### B. RM-M Multi-Family Medium

RM-M is intended to provide for a medium density mix of residential housing, predominantly duplexes and multi-family, on lots that have already been platted. The scale of buildings is generally similar to a large single-family home on a small lot. Where land is assembled, the same scale should be maintained.

#### C. RM-H Multi-Family High

RM-H is a mixed residential high density district intended to provide for a variety of residential buildings and housing options ~~at moderately high densities~~. Where land is redeveloped or assembled, the same scale should be maintained.

## 1703-2.3. RM-L Multi-Family Low

### A. Purpose

RM-L is intended to create, maintain and enhance areas of the city that have a mix of lot sizes and house types at moderate intensities (one to ~~three~~ four dwelling units). Existing nonconforming multi-family buildings of ~~four~~ five or more units may continue to exist in the district ~~but new construction is allowed, but new construction of multi-family buildings of five or more units is not permitted.~~



### B. General

~~Allowed~~ Permitted uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

Site lighting

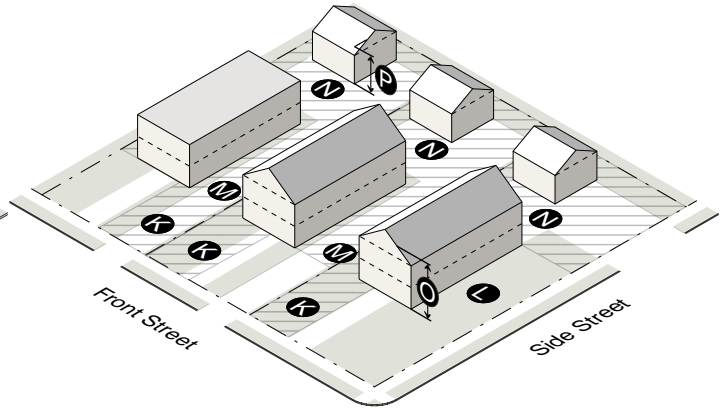
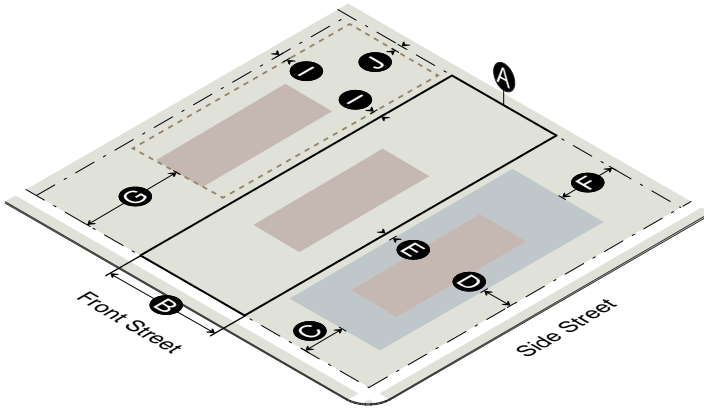
Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~



## 1703-2.3. RM-L Multi-Family Low



### C. Lot

#### Lot Dimensions

	<b>A</b> Lot Area	<b>B</b> Lot Width
Single-family	2,500 SF min.	25' min.
<del>Rowhouse</del>	<del>2,500 SF min.</del>	<del>25' min.</del>
Two-Family	5,000 SF min.	25' min.
Three-Family	7,500 SF min.	75' min.
Four-Family	7,500 SF min.	75' min.
All other uses	--	--

### D. Placement

#### Principal Building Setbacks

Front street	15' min. or Avg. front setback (Sec. 1703-11.4.E) 20' min.	<b>G</b>
Side street	10' min.	<b>D</b>
Side interior	3' min.	<b>E</b>
Side total	6' min.	
Rear	20' min.	<b>F</b>

#### Accessory Structure Setbacks

Front yard	Not Permitted	<b>G</b>
Corner yard	15' min.	<b>H</b>
Side interior	3' min.	<b>I</b>
Rear	3' min.	<b>I</b>
Size	800 SF max.	

Number 2

### E. Parking

#### Location of Parking

Front yard	40% max- <u>Not Permitted*</u> (see Sec. 1703-10.14)	<b>K</b>
Corner yard	Not Permitted	<b>L</b>
Side yard	Permitted	<b>M</b>
Rear yard	Permitted	<b>N</b>

\*Parking is permitted on access drives where such drives lead to the parking lots or spaces either within the principal building, in any accessory structure, or at locations behind the front line of a building.

### F. Height

#### Building Height

Principal building	35' max.	<b>O</b>
Accessory structure	15' max.	<b>P</b>

## 1703-2.4. RM-M Multi-Family Medium

### A. Purpose

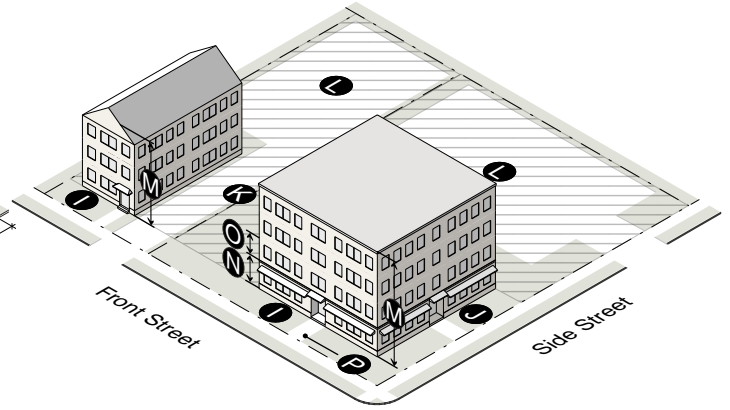
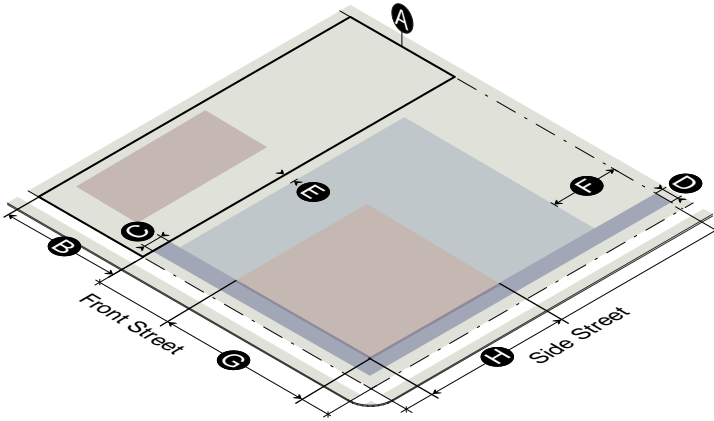
RM-M is intended to provide for a medium density mix of residential housing, predominantly duplexes and multi-family, on lots that have already been platted. The scale of buildings is generally similar to a large single-family home on a small lot. Where land is assembled, the same scale should be maintained.



### B. General

<del>Allowed</del> Permitted uses & use standards	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>

## 1703-2.4. RM-M Multi-Family Medium



### C. Lot

Lot Dimensions		
	A Lot Area	B Lot Width
Single-family	2,000 SF min.	20' min.
Rowhouse	1,500 SF min.	20' min.
Two-Family	3,000 SF min.	30' min.
Three-Family	5,000 SF min.	50' min.
Four-Family	5,000 SF min.	50' min.
Multi-family	7,500 SF min.*	75' min.
All other uses	--	--

\* Minimum land area = 1,200 SF per dwelling unit.

### D. Placement

Building and Structure Setbacks		
Front street	5' min./ 12' max. 20' min.	C
Side street	5' min./ 12' max. 20' min.	D
Side interior	5' min.	E
Side total	10' min.-15' min.	
Rear	20' min.-35' min.	F

Facade within Facade Zone		
Front street	70% min.	G
Side street	35% min.	H

### E. Parking

Location of Parking		
Front yard	Not Permitted	I
Corner yard	Not Permitted	J
Side yard	Permitted	K
Rear yard	Permitted	L

### F. Height

Building Height		
One to Four-Family	35' max.	M
Multi-Family	50' max.	M

### G. Activation

Transparency		
Ground story	20% min.	N
Upper story	20% min.	O

Pedestrian Access		
Street-facing entrance	Required	P

## 1703-2.5. RM-H Multi-Family High

### A. Purpose

RM-H is a mixed residential high density district intended to provide for a variety of residential buildings and housing options. at moderately high densities. Where land is redeveloped or assembled, the same scale should be maintained.

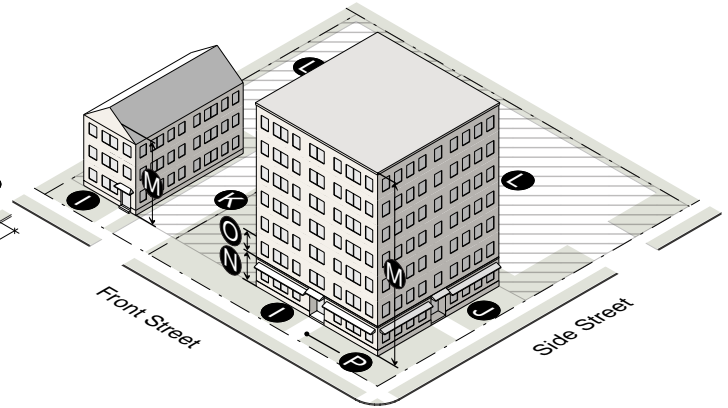
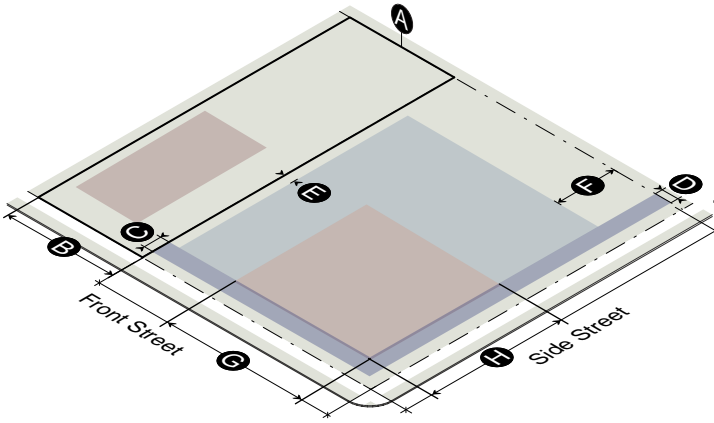


### B. General

<del>Allowed</del> Permitted uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>



## 1703-2.5. RM-H Multi-Family High



### C. Lot

#### Lot Dimensions

	<b>A</b> Lot Area	<b>B</b> Lot Width
Single-family	2,000 SF min.	20' min.
<del>Rowhouse</del>	<del>1,200 SF min.</del>	<del>18' min.</del>
Two-Family	3,000 SF min.	30' min.
Three-Family	5,000 SF min.	50' min.
Four-Family	5,000 SF min.	50' min.
Multi-family	7,500 SF min.*	75' min.
Other	--	--

\* Minimum land area = 700 SF per dwelling unit.

### D. Placement

#### Building and Structure Setbacks

Front street	<del>5' min/ 12' max</del> <u>20' min.</u>	<b>C</b>
Side street	<del>5' min/ 12' max</del> <u>20' min.</u>	<b>D</b>
Side interior	5' min.	<b>E</b>
Side total	<del>10' min.</del> <u>15' min.</u>	
Rear	<del>20' min</del> <u>35' min.</u>	<b>F</b>

#### Facade within Facade Zone

Front street	70% min.	<b>G</b>
Side street	35% min.	<b>H</b>

### E. Parking

#### Location of Parking

Front yard	Not Permitted	<b>I</b>
Corner yard	Not Permitted	<b>J</b>
Side yard	Permitted	<b>K</b>
Rear yard	Permitted	<b>L</b>

### F. Height

#### Building Height

<u>One to Four-Family</u>	<u>35' max.</u>	<b>M</b>
Multi-Family	85' max.*	<b>M</b>

\*Buildings higher than 85' require a conditional use.

### G. Activation

#### Transparency

Ground story	20% min.	<b>N</b>
Upper story	20% min.	<b>O</b>

#### Pedestrian Access

Street-facing entrance	Required	<b>P</b>
------------------------	----------	----------



## Sec. 1703-3. Mixed Use and Commercial Districts



### 1703-3.1. Purposes

The general purposes of the mixed use districts are to:

- A. Encourage the creation of new and the enhancement of existing commercial districts serving adjacent residential neighborhood areas.
- B. Encourage the creation of neighborhood activity centers as focal points along transportation corridors.
- C. Encourage quality and variety in building and landscape design as well as compatibility in use and form, where appropriate.
- D. Establish appropriate standards for reviewing proposals for new development and redevelopment, where appropriate, in commercial areas.
- E. Allow certain mixed commercial, office and residential uses, where appropriate.
- F. Maintain and enhance existing commercial districts, giving special consideration to type, scale, intensity and access.

### 1703-3.2. Subdistricts

#### A. RX Residential Mixed Use

RX is a mixed residential and office district intended to provide for a variety of residential buildings and small offices. RX can serve as a land use transition between other more intense districts and residential neighborhoods. RX allows ~~limited retail and services subject to use standards that limit the size and scale to the ground floor corner unit of a building, small to medium sized buildings and lots, with varied setbacks.~~

#### B. PX Pedestrian Mixed Use

PX is intended to be pedestrian oriented, small-scale commercial district generally found in NBDs that are not on arterials or high-traffic roads. Buildings may be multi-story with commercial on first floor and office/residential above. Buildings create continuous street frontage with few breaks and are built to lot line.

#### C. NX Neighborhood Mixed Use

NX is intended to provide for neighborhood-serving retail and commercial uses at intensities compatible with abutting residential development. ~~To help ensure that uses are truly neighborhood serving, individual tenant footprints cannot exceed 15,000 square feet without obtaining a conditional use permit. This district is generally pedestrian oriented, with small or medium scale commercial uses, often in NBDs on arterials or along roads with more significant traffic. Buildings may be multi-story with commercial on first floor and office/residential above. Buildings create continuous street frontage with some breaks for driveways and are generally built to lot line.~~

#### D. CX Commercial Mixed Use

CX is intended to provide for a variety of residential, retail, service, office and commercial uses, balancing pedestrian and auto-oriented commercial uses. ~~This district is appropriate for lower-intensity commercial corridors and NBDs on arterials. It allows for mix of scales, including developments of larger scale and more significant density and heights. Buildings may be single or multi-story with commercial on first floor and office/residential above. While CX accommodates commercial uses, the inclusion of residential and Industrial uses are strongly encouraged in order to promote live-work and mixed use opportunities.~~

#### E. CG Commercial General

CG is intended for areas along major arterials where a variety of lower intensity commercial, service, retail and multi-family uses are desired. CG is intended for ~~the City's most intense auto-oriented and heavy commercial uses, large scale, low density commercial development in the form of shopping centers and auto-oriented commercial strips.~~

## 1703-3.3. RX Residential Mixed Use

### A. Purpose

RX is a mixed residential and office district intended to provide for a variety of residential buildings and small offices. RX can serve as a land use transition between other more intense districts and residential neighborhoods. RX allows ~~limited retail and services subject to use standards that limit the size and scale to the ground floor corner unit of a building; small to medium sized buildings and lots, with varied setbacks.~~

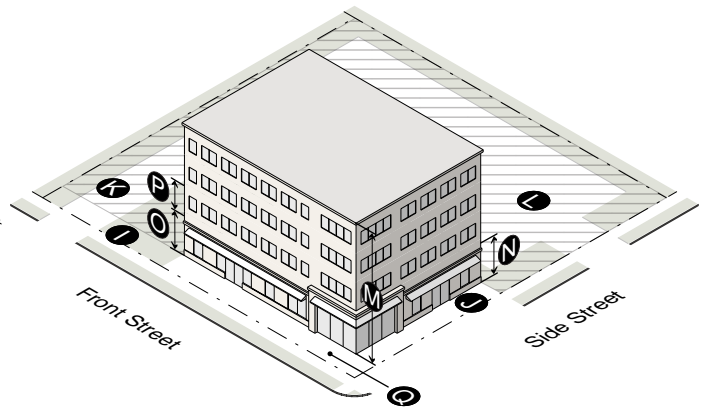
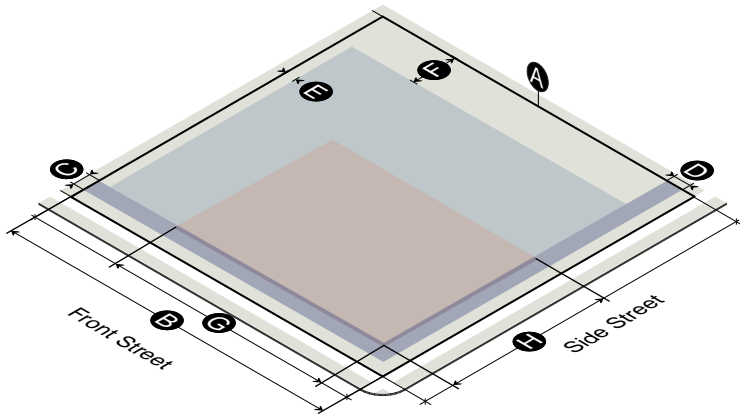


### B. General

<del>Allowed Permitted</del> uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>



## 1703-3.3. RX Residential Mixed Use



### C. Lot

Lot Dimensions		
Lot area	<del>0</del> 4,000 SF min.	A
Lot width	<del>0</del> 40' min.	B
Minimum lot area per dwelling unit	1200 SF	

### D. Placement

Building and Structure Setbacks		
Front street	5' min. / 12' max. / 20' min.	C
Side street	5' min. / 12' max.	D
Side interior	5' min.	E
Rear	20' min.	F
Facade within Facade Zone		
Front street	60% min.	G
Side street	30% min.	H

### E. Parking

Location of Parking		
Front yard	Not Permitted	I
Corner yard	Not Permitted	J
Side yard	Permitted	K
Rear yard	Permitted	L

### F. Height

Building Height		
All buildings/structures	50' 35' max.	M
Ground story height: Nonresidential only	12-15' min.	N

### G. Activation

Transparency			
Ground story	-Residential	20% min.	O
	-Nonresidential	420% min.	
Upper story	-Residential	20% min.	P
	-Nonresidential	20% min.	
Pedestrian Access			
Street-facing entrance	Required		Q

## 1703-3.4. PX Pedestrian Mixed Use

### A. Purpose

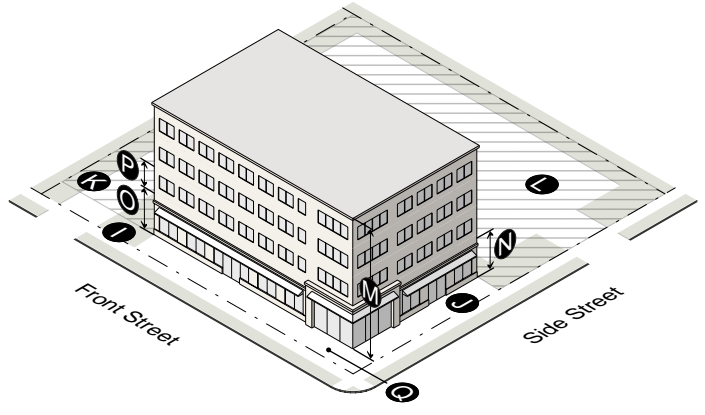
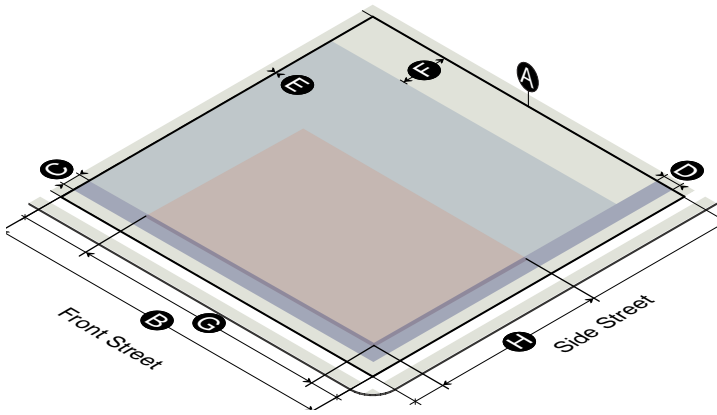
PX is intended to be pedestrian oriented, small-scale commercial district generally found in NBDs that are not on arterials or high-traffic roads. Buildings may be multi-story with commercial on first floor and office/residential above. Buildings create continuous street frontage with few breaks and are built to lot line.



### B. General

<a href="#">Permitted uses &amp; use standards</a>	<a href="#">Sec. 1703-9</a>
<a href="#">Landscaping and buffering</a>	<a href="#">Sec. 1711-2</a>
<a href="#">Nonconformities</a>	<a href="#">Sec. 1752-7</a>
<a href="#">Parking</a>	<a href="#">Sec. 1711-1</a>
<a href="#">Outdoor storage and display</a>	<a href="#">Sec. 1711-5</a>
<a href="#">Rules of measurement</a>	<a href="#">Sec. 1703-10</a>
<a href="#">Signs</a>	<a href="#">Sec. 1711-3</a>
<a href="#">Site lighting</a>	<a href="#">Sec. 1711-4</a>

## 1703-3.4. PX Pedestrian Mixed Use



### C. Lot

Lot Dimensions		
Lot area	0 SF min.	A
Lot width	0' min.	B

### D. Placement

Building and Structure Setbacks		
Front street	0' min. / 12' max.	C
Side street	0' min. / 12' max.	D
Side interior	-Residential 5' min.	E
	-Commercial 0' min.	
Rear	20' min.	F
Facade within Facade Zone		
Front street	70% min.	G
Side street	35% min.	H

### E. Parking

Location of Parking		
Front yard	Not Permitted	I
Corner yard	Not Permitted	J
	Permitted with	
Side yard	Special Exception	K
	Approval	
Rear yard	Permitted	L

### F. Height

Building Height		
All buildings/structures	50' max	M
Ground story height:		
Nonresidential only	15' min	N
Building Mass		
Individual tenant footprint	5,000 SF max.	

### G. Activation

Transparency			
Ground story	-Residential	20% min.	O
	-Nonresidential	60% min.	
Upper story	-Residential	20% min.	P
	-Nonresidential	20% min.	
Pedestrian Access			
Street-facing entrance	Required		Q

## 1703-3.5. NX Neighborhood Mixed Use

### A. Purpose

NX is intended to provide for neighborhood-serving retail and commercial uses at intensities compatible with abutting residential development. ~~To help ensure that uses are truly neighborhood serving, individual tenant footprints cannot exceed 15,000-square feet without obtaining a conditional use permit. This district is generally pedestrian oriented, with small or medium scale commercial uses, often in NBDs on arterials or along roads with more significant traffic. Buildings may be multi-story with commercial on first floor and office/residential above. Buildings create continuous street frontage with some breaks for driveways and are generally built to lot line.~~

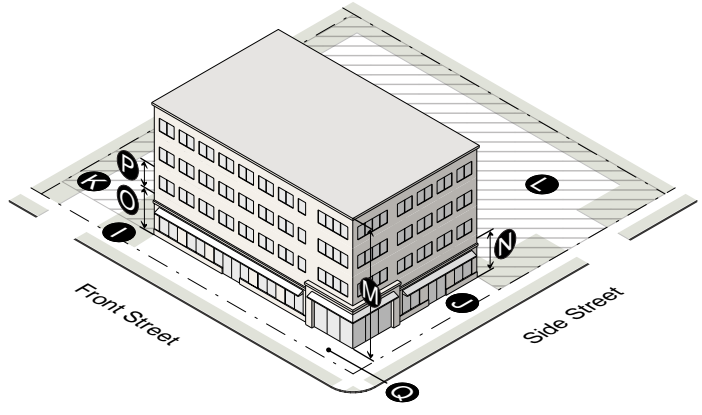
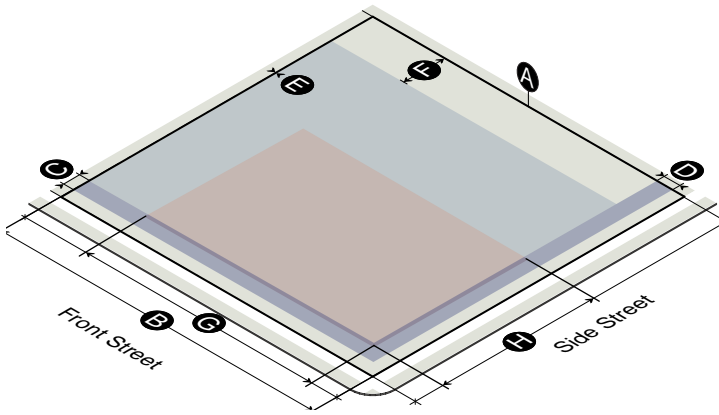


### B. General

<del>Allowed Permitted</del> uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>



## 1703-3.4. PX Pedestrian Mixed Use



### C. Lot

#### Lot Dimensions

Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

#### Building and Structure Setbacks

Front street	<u>50'</u> min. / 12' max.	<b>C</b>
Side street	<u>50'</u> min. / 12' max.	<b>D</b>
Side interior	<u>-Residential</u> <u>5' min.</u>	<b>E</b>
	<u>-Commercial</u> <u>0' min.</u>	
Rear	20' min.	<b>F</b>

#### Facade within Facade Zone

Front street	70% min.	<b>G</b>
Side street	35% min.	<b>H</b>

### E. Parking

#### Location of Parking

Front yard	Not Permitted	<b>I</b>
Corner yard	Not Permitted	<b>J</b>
Side yard	Permitted <u>with Special Exception Approval</u>	<b>K</b>
Rear yard	Permitted	<b>L</b>

### F. Height and Mass

#### Building Height

All buildings/structures	50' max	<b>M</b>
Ground story height: Nonresidential only	<u>±215'</u> min	<b>N</b>

#### Building Mass

Individual tenant footprint	<u>±5,000 SF max.*</u>
-----------------------------	------------------------

\*More than 5,000 SF up to 15,000 SF permitted with conditional use approval.

### G. Activation

#### Transparency

Ground story	-Residential	20% min.	<b>O</b>
	-Nonresidential	60% min.	
Upper story	-Residential	20% min.	<b>P</b>
	-Nonresidential	20% min.	

#### Pedestrian Access

Street-facing entrance	Required	<b>Q</b>
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## 1703-3.6. CX Commercial Mixed Use

### A. Purpose

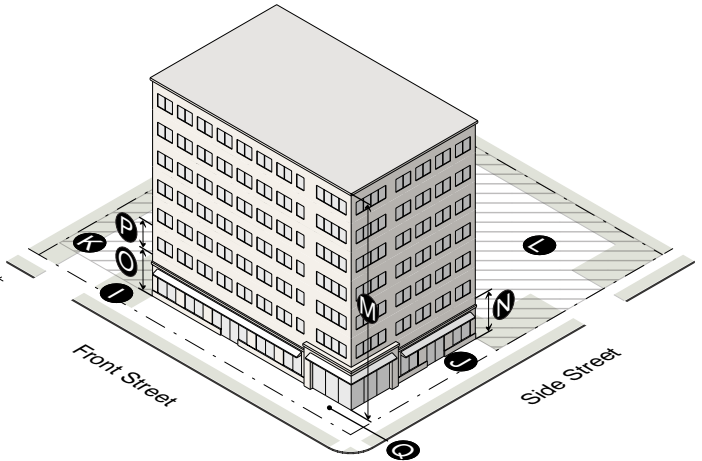
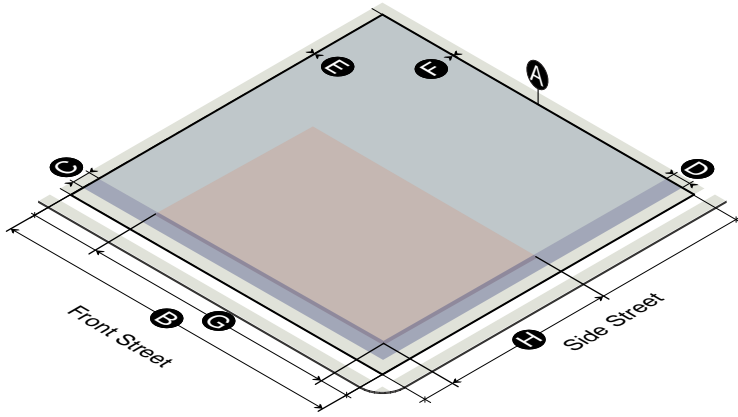
CX is intended to provide for a variety of residential, retail, service, office and commercial uses, balancing pedestrian and auto-oriented commercial uses. This district is appropriate for lower-intensity commercial corridors and NBDs on arterials. It allows for mix of scales, including developments of larger scale and more significant density and heights. Buildings may be single or multi-story with commercial on first floor and office/residential above. While CX accommodates commercial uses, the inclusion of residential and Industrial uses are strongly encouraged in order to promote live-work and mixed-use opportunities.



### B. General

<del>Allowed</del> Permitted uses & use standards	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>

## 1703-3.6. CX Commercial Mixed Use



### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building and Structure Setbacks		
Front street	5' min. / 12' max.	<b>C</b>
Side street	5' min. / 12' max.	<b>D</b>
Side interior	<u>-Residential</u> 5' min.	<b>E</b>
	<u>-Commercial</u> 0' min.	
Rear	20' min.	<b>F</b>
Facade within Facade Zone		
Front street	70% min.	<b>G</b>
Side street	35% min.	<b>H</b>

### E. Parking

Location of Parking		
Front yard	Not Permitted	<b>I</b>
Corner yard	Not Permitted	<b>J</b>
Side yard	Permitted	<b>K</b>
Rear yard	Permitted	<b>L</b>

### F. Height and Mass

Building Height		
All buildings/structures	85' max.*	<b>M</b>
Ground story height: Nonresidential only	12-15' min.	<b>N</b>

\*Limited to 50' with Urban Design Overlay District restrictions.

### G. Activation

Transparency		
Ground story	-Residential 20% min.	<b>O</b>
	-Nonresidential 60% min.	
Upper story	-Residential 20% min.	<b>P</b>
	-Nonresidential 20% min.	
Pedestrian Access		
Street-facing entrance	Required	<b>Q</b>

## 1703-3.7. CG Commercial General

### A. Purpose

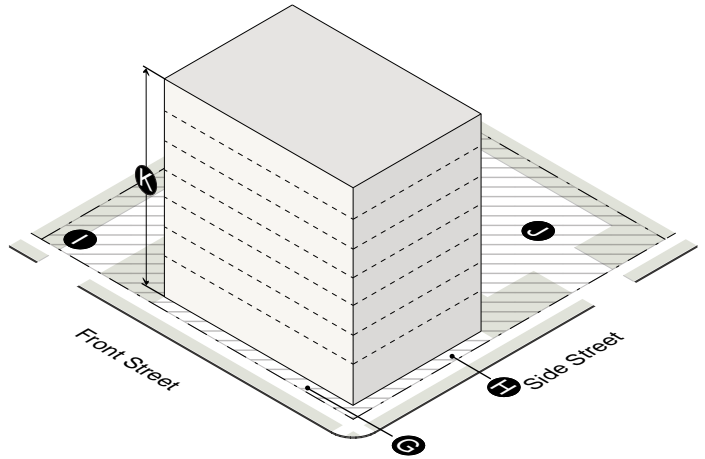
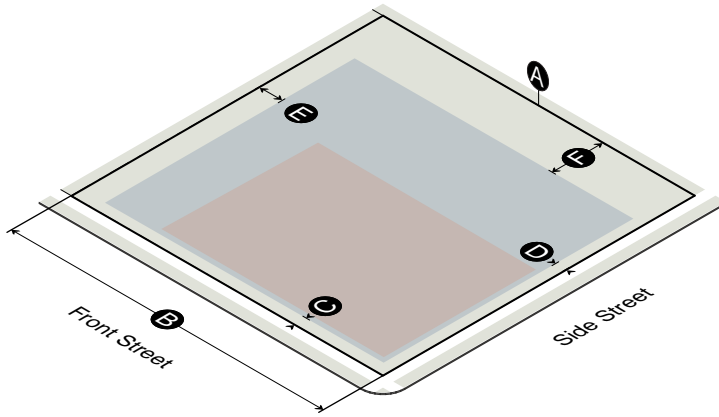
CG is intended for areas along major arterials where a variety of lower intensity commercial, service, retail and multi-family uses are desired. CG is intended for ~~the City's most intense auto-oriented and heavy commercial uses.~~ large scale, low density commercial development in the form of shopping centers and auto-oriented commercial strips.



### B. General

<del>Allowed</del> Permitted uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>





### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building and Structure Setbacks		
Front street	5' min.	<b>C</b>
Side street	5' min.	<b>D</b>
Side interior	10' min.	<b>E</b>
Rear	20' min.	<b>F</b>

### E. Parking

Location of Parking		
Front yard	Permitted	<b>G</b>
Corner yard	Permitted	<b>H</b>
Side yard	Permitted	<b>I</b>
Rear yard	Permitted	<b>J</b>

### F. Height and Mass

Building Height		
All buildings/structures	85' max.	<b>K</b>
<u>Ground story height:</u>	<u>15' min.</u>	
<u>Nonresidential only</u>		



## Sec. 1703-4. Industrial Districts



### 1703-4.1. Purposes

The general purposes of the Industrial districts are to:

- A.** Promote and preserve manufacturing areas as significant Industrial generators.
- B.** Facilitate the necessary infrastructure to accommodate a wide variety of transportation, manufacturing and technology uses.
- C.** Accommodate existing traditional industries, while anticipating new technologies and business service uses.
- D.** Preserve appropriate location of industries that may have the potential to generate off-site impacts, while providing compatibility in use and form.
- E.** Establish appropriate standards for reviewing proposals for new development and redevelopment, where appropriate, in manufacturing areas.
- F.** Ensure the provision of services and facilities needed to facilitate planned Industrial densities.

### 1703-4.2. Subdistricts

#### A. IX Industrial Mixed Use

IX is intended to provide for a variety of light industrial and manufacturing uses while allowing for retail, service and commercial activity and limited housing opportunities. To help ensure that land is reserved for manufacturing and Industrial, residential uses are limited to the upper stories. IX is not intended to provide for areas exclusively dominated by light industrial or manufacturing but provide for developments that incorporate commercial uses with housing, retail and service-related activity. IX can serve as a land use transition between heavy industrial areas and mixed use and commercial districts.

#### B. IA Industrial Agricultural

IA is intended to create, preserve, and enhance areas that are appropriate for agricultural, farming, low impact manufacturing and supporting commercial uses. Low impact manufacturing and supporting commercial uses may be permitted provided they meet specific performance standards and are buffered from residential uses. Single-family is also encouraged in the district.

#### C. IH Industrial Heavy

IH is intended to recognize and preserve areas that are intended exclusively for the location of manufacturing establishments. Future development will accommodate heavy industrial and manufacturing uses. These uses typically require sites with good transportation access. Uses that may inhibit or compete with industrial development are prohibited.

## 1703-4.3. IX Industrial Mixed Use

### A. Purpose

IX is intended to provide for a variety of light industrial and manufacturing uses while allowing for retail, service and commercial activity and limited housing opportunities. To help ensure that land is reserved for manufacturing and Industrial, residential uses are limited to the upper stories. IX is not intended to provide for areas exclusively dominated by light industrial or manufacturing but provide for developments that incorporate commercial uses with housing, retail and service-related activity. IX can serve as a land use transition between heavy industrial areas and mixed use and commercial districts.



### B. General

~~Allowed Permitted~~ uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

Sec. 1711-3

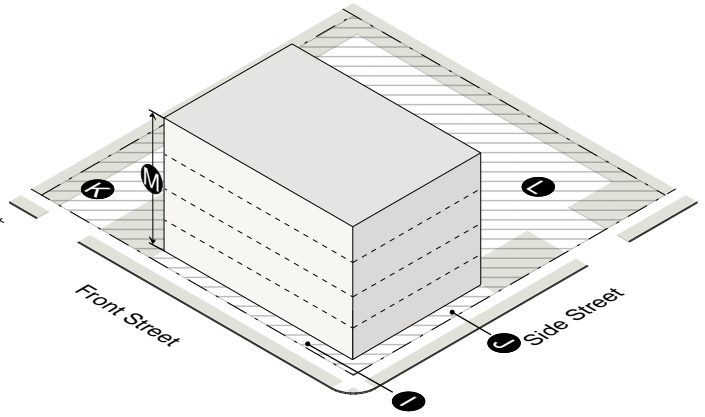
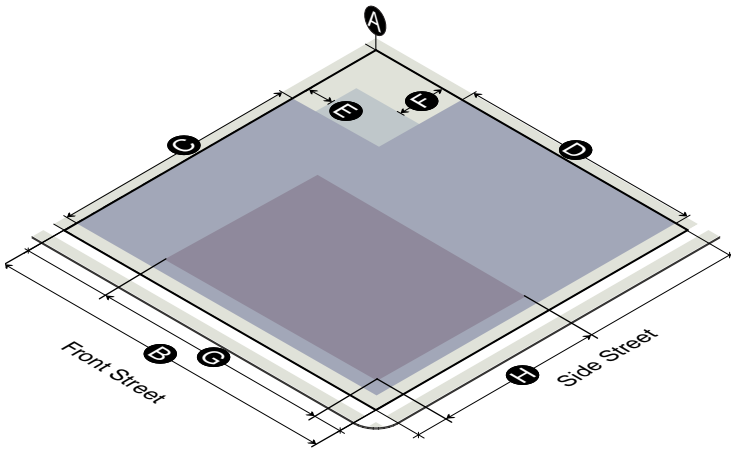
Site lighting

Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~

## 1703-4.3. IX Industrial Mixed Use



### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building and Structure Setbacks		
Front street	5' min. / 85' max	<b>C</b>
Side street	5' min. / 85' max	<b>D</b>
Side interior	10' min.	<b>E</b>
Rear	20' min.	<b>F</b>
Facade within Facade Zone		
Front street	50% min.	<b>G</b>
Side street	20% min.	<b>H</b>

### E. Parking

Location of Parking		
Front yard	2 bays max of on-site parking with drive aisle	<b>I</b>
Corner yard	2 bays max of on-site parking with drive aisle	<b>J</b>
Side yard	Permitted	<b>K</b>
Rear yard	Permitted	<b>L</b>

### F. Height

Building Height		
All buildings/structures	45' max.	<b>M</b>



## 1703-4.4. IA Industrial Agricultural

### A. Purpose

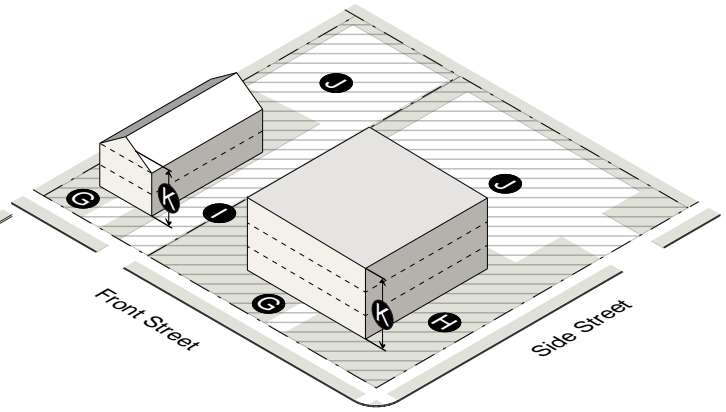
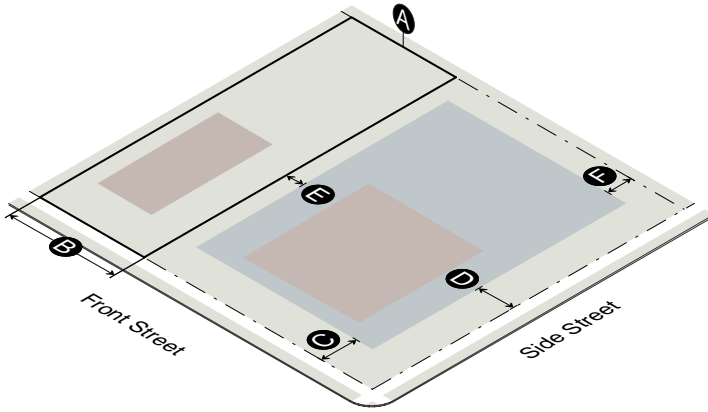
IA is intended to create, preserve and enhance areas that are appropriate for agricultural, farming, low impact manufacturing and supporting commercial uses. Low impact manufacturing and supporting commercial uses may be permitted provided they meet specific performance standards and are buffered from residential uses. ~~Single-family is also encouraged in the district.~~



### B. General

<del>Allowed-Permitted</del> -uses & <u>use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>

## 1703-4.4. IA Industrial Agricultural



### C. Lot

Lot Dimensions		
	<b>A</b> Lot Area	<b>B</b> Lot Width
Residential	20,000 SF min.	20' min.
Nonresidential	0' SF min.	18' min.

### D. Placement

Building Setbacks		
Front street	25' min.	<b>C</b>
Side street	25' min.	<b>D</b>
Side interior	10' min.	<b>E</b>
Rear	20' min.	<b>F</b>

### E. Parking

Location of Parking		
Front yard	Permitted	<b>G</b>
Corner yard	Permitted	<b>H</b>
Side yard	Permitted	<b>I</b>
Rear yard	Permitted	<b>J</b>

### F. Height

Building Height		
All buildings/structures	35' max.	<b>K</b>

Silos are permitted above the 35' height limit as long as the total width of all silos that exceed that elevation may not exceed 10% of the width of the property. Provided, however, the Director may approve silos having a total width of 30% of the width of the property.

## A. Purpose

IH is intended to recognize and preserve areas that are intended exclusively for the location of manufacturing establishments. Future development will accommodate heavy industrial and manufacturing uses. These uses typically require sites with good transportation access. Uses that may inhibit or compete with industrial development are prohibited.



## B. General

~~Allowed-Permitted~~ uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

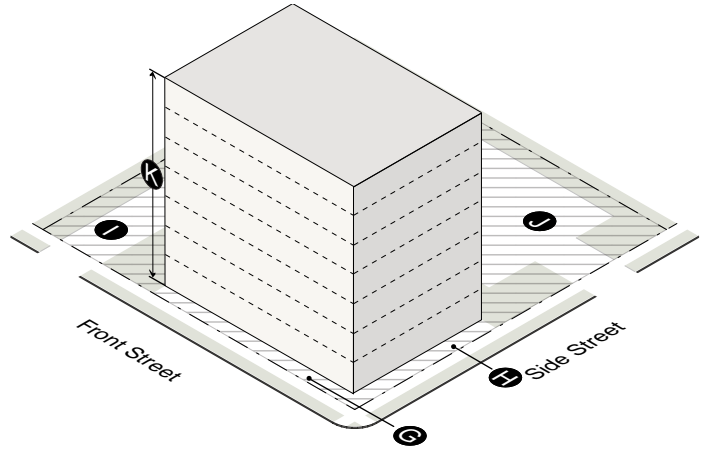
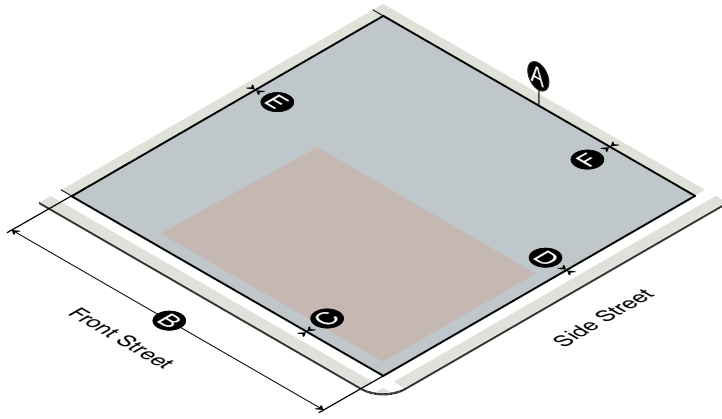
Sec. 1703-10

Signs

Sec. 1711-3

Site lighting

Sec. 1711-4



Use standards

Sec. 1703-10

### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building and Structure Setbacks		
Front street	0' min.	<b>C</b>
Side street	0' min.	<b>D</b>
Side interior	0' min.	<b>E</b>
Rear	0' min.	<b>F</b>

### E. Parking

Location of Parking		
Front yard	Permitted	<b>G</b>
Corner yard	Permitted	<b>H</b>
Side yard	Permitted	<b>I</b>
Rear yard	Permitted	<b>J</b>

### F. Height

Building Height		
All buildings/structures	85' max.	<b>K</b>





## Sec. 1703-5. Riverfront Districts



### 1703-5.1. Purposes

The general purposes of the riverfront districts are to:

- A.** Promote residential and river-related recreational, commercial and manufacturing activities along the Ohio and Little Miami Rivers.
- B.** Maintain scenic river views from major public thoroughfares.
- C.** Preserve significant natural features of the floodplain environment.
- D.** Protect the special designation of the Little Miami River as a recreational river by the United States Congress and as a scenic river, as established by the Ohio General Assembly.
- E.** Conform to the requirements imposed by Chapter 1109, Floodplain Management, of the Cincinnati Building Code.

### 1703-5.2. Subdistricts

#### **A. RF-R Riverfront Residential/Recreational District**

RF-R is intended to optimize the scenic beauty of the riverfront while mixing residential uses into current public and semi-public land uses and to enhance the stability and revitalization of adjoining neighborhoods.

#### **B. RF-C Riverfront Commercial District**

RF-C is intended to provide sites for commercial and manufacturing uses that require river access and to provide a buffer between the high intensity RF-M riverfront industrial and the more mixed-use RF-R areas, while providing needed services for both areas and protecting adjoining residential neighborhoods, public parks and recreation facilities from the effects of more intense commercial and industrial uses.

#### **C. RF-M Riverfront Manufacturing District**

RF-M is intended to provide sites for heavy industrial uses that require river access, maintain the economic vitality of the industrial riverfront and minimize any adverse impacts resulting from such activity on residential, park, recreation and commercial recreation facilities.

## 1703-5.3. RF-R Riverfront Residential/Recreational

### A. Purpose

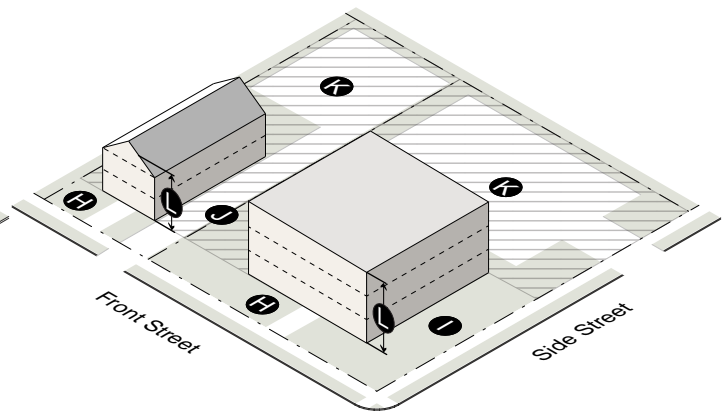
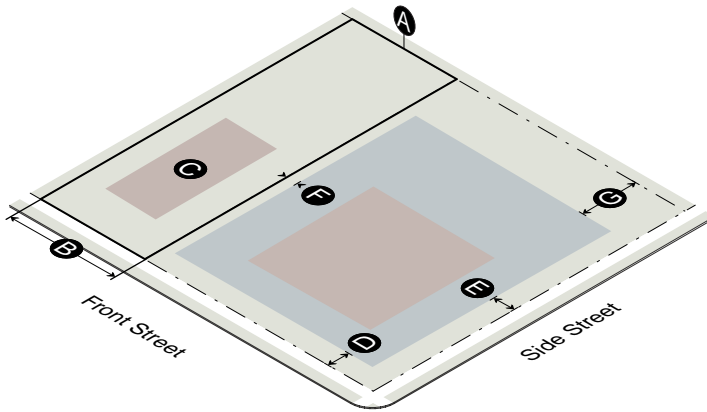
RF-R is intended to optimize the scenic beauty of the riverfront while mixing residential uses into current public and semi-public land uses and to enhance the stability and revitalization of adjoining neighborhoods.



### B. General

<del>Allowed-Permitted</del> uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<u>Use standards</u>	<u>Sec. 1703-10</u>

## 1703-5.3. RF-R Riverfront Residential/Recreational



### C. Lot

Lot Dimensions		
	<b>A</b> Lot Area	<b>B</b> Lot Width
Rowhouse	2,000 SF min.	0' min.
All other uses	4,000 SF min.	0' min.
Building coverage	80% max.	<b>C</b>

### D. Placement

Building and Structure Setbacks		
Front street	10' min.	<b>D</b>
Side street	10' min.	<b>E</b>
Side interior	5' min.	<b>F</b>
Side total	10' min.	
Rear	30' min	<b>G</b>

### E. Parking

Location of Parking		
Front yard	Not Permitted	<b>H</b>
Corner yard	Not Permitted	<b>I</b>
Side yard	Permitted	<b>J</b>
Rear yard	Permitted	<b>K</b>

### F. Height

Building Height		
All buildings/structures	35' max.	<b>L</b>
Maximum height is measured above base flood elevation		

## 1703-5.4. RF-C Riverfront Commercial

### A. Purpose

RF-C is intended to provide sites for commercial and manufacturing uses that require river access and to provide a buffer between the high intensity RF-M riverfront industrial and the more mixed-use RF-R areas, while providing needed services for both areas and protecting adjoining residential neighborhoods, public parks and recreation facilities from the effects of more intense commercial and industrial uses.

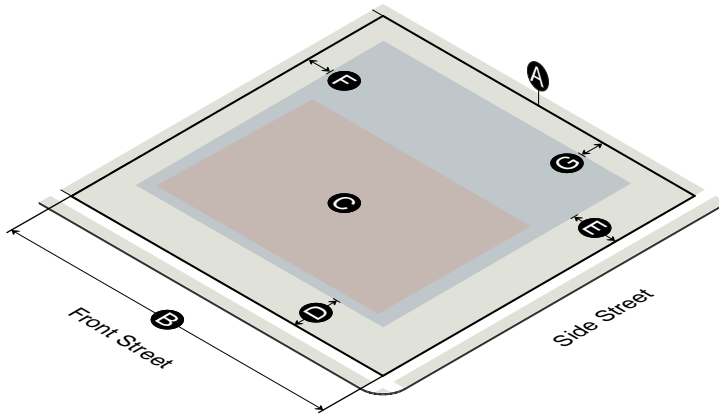


### B. General

<del>Allowed-Permitted</del> uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>



## 1703-5.4. RF-C Riverfront Commercial

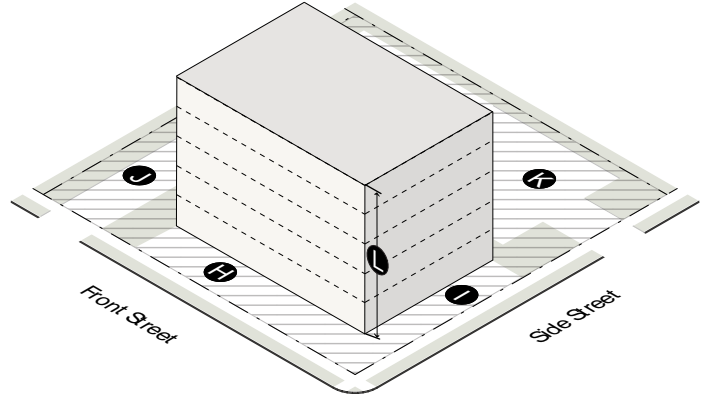


### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>
Building coverage	70% max.	<b>C</b>

### D. Placement

Building and Structure Setbacks		
Front street	25' min.	<b>D</b>
Side street	25' min.	<b>E</b>
Side interior	10' min.	<b>F</b>
Side total	20' min.	
Rear	10' min.	<b>G</b>



### E. Parking

Location of Parking		
Front yard	Permitted	<b>H</b>
Corner yard	Permitted	<b>I</b>
Side yard	Permitted	<b>J</b>
Rear yard	Permitted	<b>K</b>

### F. Height

Building Height		
All buildings/structures	100' 50' max.*	<b>L</b>

\*Buildings higher than 50 feet up to 100 feet require a conditional use.

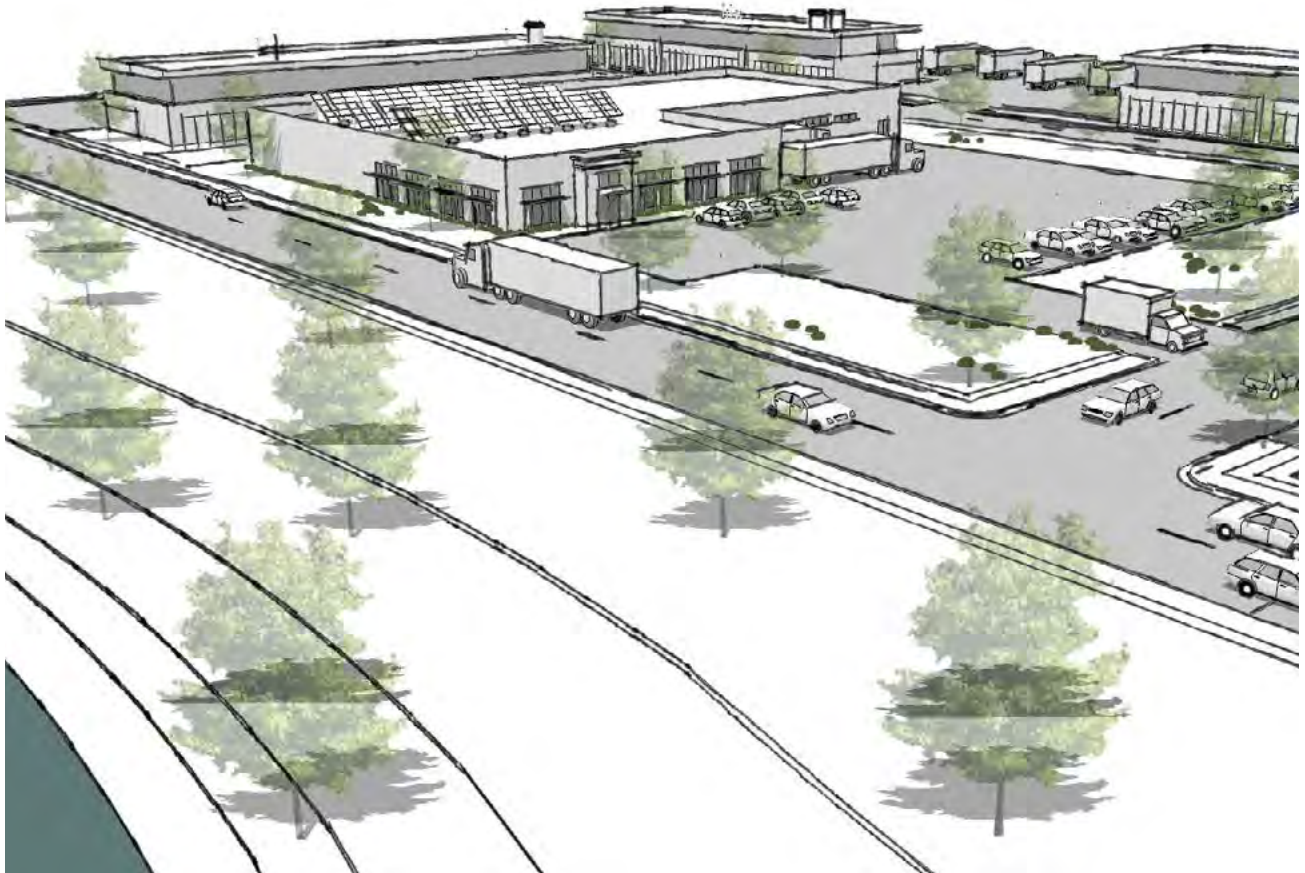
The maximum height may not exceed 100 feet above the elevation of the Ohio River at the Markland Dam pool stage if within 500 feet of a SF-, RM- or RF-R District except silos. The total width of all silos that exceed that elevation may not exceed 10% of the width of the property. Provided, however, the Director may approve silos having a total width of 30% of the width of the property if the silos do not materially impair significant views of the Ohio River from any U.S. or state highway or other public vantage. The width of silos is measured at the point of maximum width of the part of the silo that extends more than 100 feet above the elevation of the Ohio River at Markland Dam pool stage at the site. Conveyors, elevators, ladders and similar fixtures serving a silo are not included in the measurement of the width of a silo. The width of the property is the maximum width of the property measured along a straight line parallel to a line joining the mid points of the Ohio River at each end of the property.



## 1703-5.5. RF-M Riverfront Manufacturing

### A. Purpose

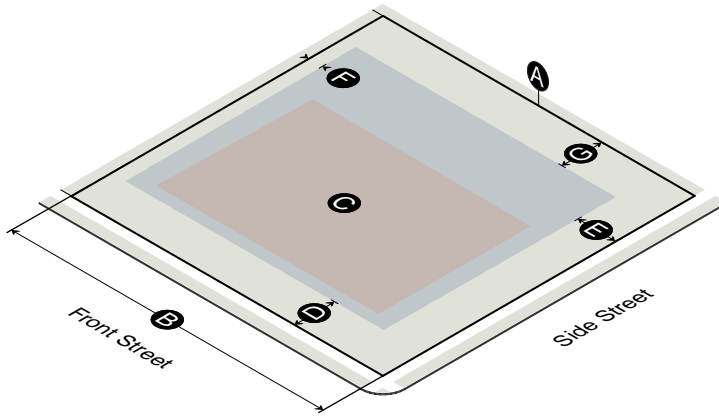
RF-M is intended to provide sites for heavy industrial uses that require river access, maintain the economic vitality of the industrial riverfront and minimize any adverse impacts resulting from such activity on residential, park, recreation and commercial recreation facilities.



### B. General

<del>Allowed-Permitted</del> uses <u>&amp; use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>

## 1703-5.5. RF-M Riverfront Manufacturing

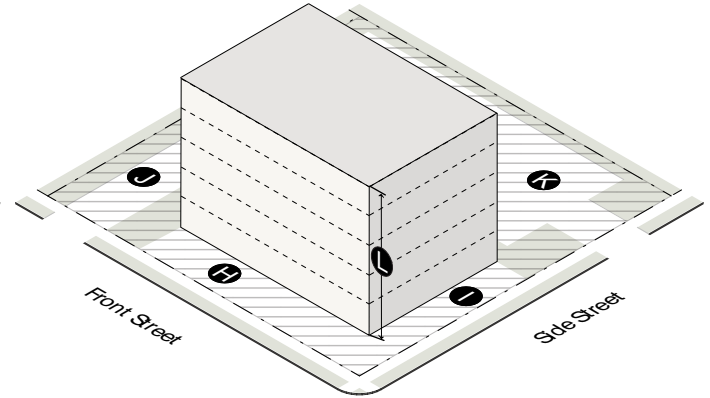


### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>
Building coverage	80% max.	<b>C</b>

### D. Placement

Building and Structure Setbacks		
Front street	20' min.	<b>D</b>
Side street	20' min.	<b>E</b>
Side interior	5' min.	<b>F</b>
Side total	10' min.	<b>G</b>
Rear	20' min.	<b>A</b>



### E. Parking

Location of Parking		
Front yard	Permitted	<b>H</b>
Corner yard	Permitted	<b>I</b>
Side yard	Permitted	<b>J</b>
Rear yard	Permitted	<b>K</b>

### F. Height

Building Height		
All buildings/structures	50'*	<b>L</b>

\*Buildings higher than 50 feet up to 100 feet require a conditional use.

The maximum height may not exceed 100 feet above the elevation of the Ohio River at the Markland Dam pool stage if within 500 feet of a SF-, RM- or RF-R District except silos. The total width of all silos that exceed that elevation may not exceed 10% of the width of the property. Provided, however, the Director may approve silos having a total width of 30% of the width of the property if the silos do not materially impair significant views of the Ohio River from any U.S. or state highway or other public vantage. The width of silos is measured at the point of maximum width of the part of the silo that extends more than 100 feet above the elevation of the Ohio River at Markland Dam pool stage at the site. Conveyors, elevators, ladders and similar fixtures serving a silo are not included in the measurement of the width of a silo. The width of the property is the maximum width of the property measured along a straight line parallel to a line joining the mid points of the Ohio River at each end of the property.

**G. Ohio River Bank Area**

Existing tree cover and vegetation must be preserved between the pool stage of the Ohio River and a line 50 feet inland from and congruent with the Markland Dam pool stage, except where new construction, floodproofing or docking facilities are necessary to achieve compliance with Chapter 1109, Flood Plain Management, of the Cincinnati Building Code, a U.S. Army Corps of Engineers permit, or where modified by the Director ~~of Buildings and Inspections~~ pursuant to §1703-11-2. Landscaping and Buffering.

**H. Little Miami Riverfront Area**

Within 500 feet of the Little Miami River, a use may be established only if the Director finds in consultation with the Director of Parks and the Director of Recreation that the use:

1. Maintains the natural and free-flowing conditions of the Little Miami River, except where channel modifications are required to mitigate a severe hazard to life or property;
2. Does not aggravate erosion of the river bank;
3. Has no adverse effect on existing wildlife habitation;
4. Conserves significant natural vegetation and tree cover except for damaged or diseased trees in access ways;
5. Protects or enhances the scenic, recreational, geologic, cultural or historic values of the river that led to its designation as a recreational and scenic river; and
6. Does not substantially interfere with the recreational use and enjoyment of the Little Miami River by the public.

## Sec. 1703-6. Special Districts



### 1703-6.1. Purposes

The special districts are those districts that don't easily fit within a single-family, multi-family, mixed use, commercial or Industrial district.

### 1703-6.2. Subdistricts

#### A. PR Parks and Recreational

PR intends to preserve, protect and enhance a system of public parks, parkways, greenspace, recreation areas, natural and scenic areas, and protect sensitive natural resource areas.

#### B. IR Institutional Residential

IR is intended to provide appropriate zoning for major institutions and support services that will allow for continuation and expansion without adverse impacts on adjacent residential neighborhoods. IR promotes the orderly development of institutional and residential land uses and establishes appropriate standards for reviewing proposals for new development of institutional uses and for expansion of existing institutional uses.



### A. Purpose

PR intends to preserve, protect and enhance a system of public parks, parkways, greenspace, recreation areas, natural and scenic areas, and protect sensitive natural resource areas.

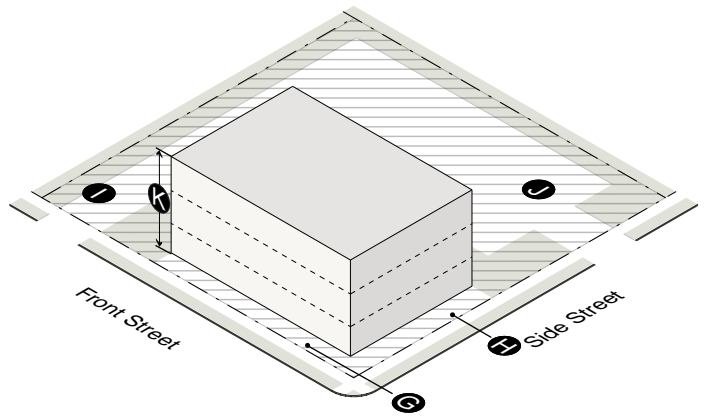
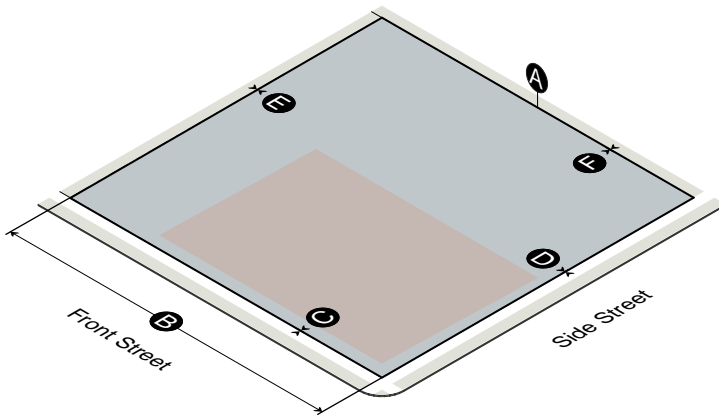


### B. General

<del>Allowed-Permitted</del> uses & <u>use standards</u>	Sec. 1703-9
Landscaping and buffering	Sec. 1711-2
Nonconformities	Sec. 1752-7
Parking	Sec. 1711-1
Outdoor storage and display	Sec. 1711-5
Rules of measurement	Sec. 1703-10
Signs	Sec. 1711-3
Site lighting	Sec. 1711-4
<del>Use standards</del>	<del>Sec. 1703-10</del>



## 1703-6.3. PR Parks and Recreational



### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building Setbacks		
Front street	0' min.	<b>C</b>
Side street	0' min.	<b>D</b>
Side interior	0' min.	<b>E</b>
Rear	0' min.	<b>F</b>

### E. Parking

Location of Parking		
Front yard	Permitted	<b>G</b>
Corner yard	Permitted	<b>H</b>
Side yard	Permitted	<b>I</b>
Rear yard	Permitted	<b>J</b>

### F. Height

Building Height		
Principal building	35' max.	<b>K</b>

### G. Signs

Signs located in any PR district shall conform with the following regulations, with section 1711-3, Signs, and with Chapter 718, Revocable Street Privileges, of the Municipal Code.

#### 1. Outdoor Scoreboards

Outdoor scoreboards shall be treated as wall or freestanding signs and are also subject to the following regulations:

- a. Scoreboards are signs designed to provide game information to spectators at athletic events that may or may not contain limited advertising messages or public service announcements.
- b. Scoreboards shall be designed solely for view from the spectator areas at a school, park or other public or private athletic complex and shall not exceed 120 square feet.
- c. Scoreboards can be illuminated, but shall not contain flashing or animated elements unless approved by the Director or his/her designee and are adequately screened from abutting streets and properties.
- d. Sponsored scoreboards are permitted, provided the sponsorship/advertising area does not exceed 25% of the face of the scoreboard.

## 1703-6.4. IR Institutional Residential

### A. Purpose

IR is intended to provide appropriate zoning for major institutions and support services that will allow for continuation and expansion without adverse impacts on adjacent residential neighborhoods. IR promotes the orderly development of institutional and residential land uses and establishes appropriate standards for reviewing proposals for new development of institutional uses and for expansion of existing institutional uses.



### B. General

~~Allowed-Permitted~~ uses & use standards

Sec. 1703-9

Landscaping and buffering

Sec. 1711-2

Nonconformities

Sec. 1752-7

Parking

Sec. 1711-1

Outdoor storage and display

Sec. 1711-5

Rules of measurement

Sec. 1703-10

Signs

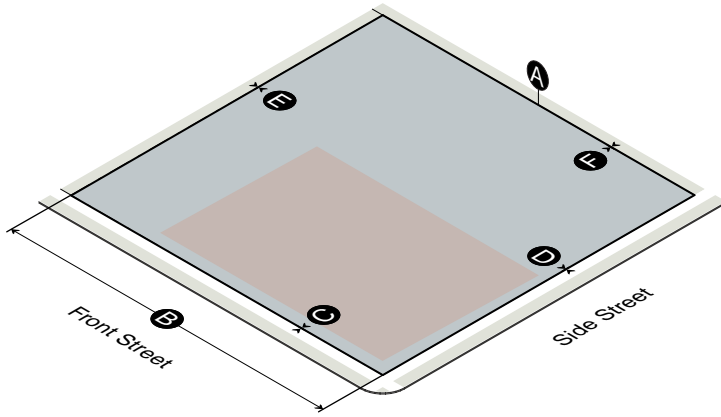
Sec. 1711-3

Site lighting

Sec. 1711-4

~~Use standards~~

~~Sec. 1703-10~~

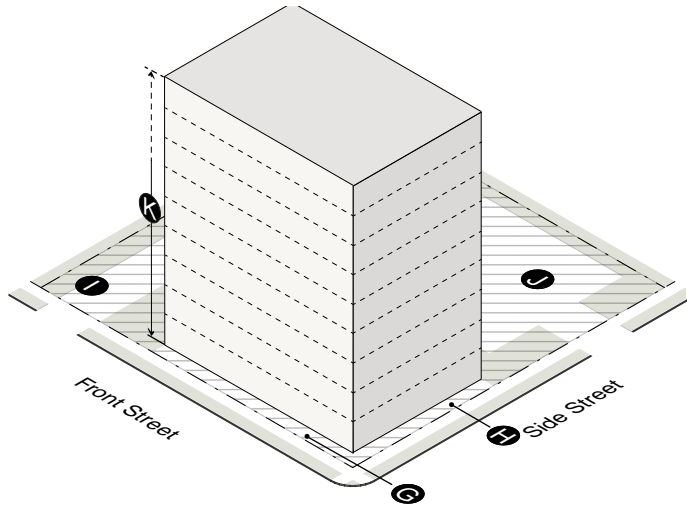


### C. Lot

Lot Dimensions		
Lot area	0 SF min.	<b>A</b>
Lot width	0' min.	<b>B</b>

### D. Placement

Building Setbacks		
Front street	0' min.	<b>C</b>
Side street	0' min.	<b>D</b>
Side interior	0' min.	<b>E</b>
Rear	0' min.	<b>F</b>



### E. Parking

Location of Parking		
Front yard	Permitted	<b>G</b>
Corner yard	Permitted	<b>H</b>
Side yard	Permitted	<b>I</b>
Rear yard	Permitted	<b>J</b>

### F. Height

Building Height		
All buildings/structures	200' max.	<b>K</b>

### G. Truck Docks; Loading and Service Areas

Truck docks, loading and service areas are not permitted within 50 feet of a residential district boundary and are not permitted to be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends. These facilities must be located at the side of buildings or in the rear of the site and screened so as not to be visible from public streets.

### H. Institutional Buffer Yard Plan

The development of colleges, hospitals, schools and commercial laboratories, ~~in an Institutional Residential District and any of the accessory uses permitted or conditionally permitted in an IR district, as listed in table set forth at Section 1703-9.3,~~ must be in accordance with an approved Institutional Buffer Yard Plan.

#### 1. Purpose

- a. The Institutional Buffer Yard Plan is intended to foster the appropriate growth of colleges, hospitals, schools, commercial laboratories, ~~and any of the accessory uses permitted or conditionally permitted in an IR district, as listed in table set forth at Section 1703-9.3.~~
- b. The purpose of the buffer yard regulations is to require building setbacks and landscaping in a park-like setting to provide a transition from the scale of institutions to the scale of the surrounding residential neighborhood and to address conditions sometimes associated with intense institutional land uses.

#### 2. When Required

- a. Buffer yards must be provided whenever a new institution facility is constructed or expanded. ~~New facilities include any new building, the addition of more than 2,500 square feet of gross floor area to an~~

~~existing building, parking garage or deck or expansion thereof, or an existing building whose use is changed to a use listed in (a) above.~~

- b. ~~New facilities include any new building, addition of more than 2,500 square feet of gross floor area to an existing building, parking garage or deck or expansion thereof, or an existing building whose use is changed to a use listed in subsection 1. above.~~
- c. When the entire new facility is more than 200 feet from any district boundary line, a buffer yard is not required.

### 3. Buffer Yard Plan

- a. On the first occasion that an institution provides a buffer yard pursuant to the requirements of this section, the institution must file a buffer yard plan with the Director ~~of Buildings and Inspections, who has the discretion to approve, reject, or condition their approval of the plan.~~
- b. The plan must show all property within the IR District under control of the institution, the location of all buildings and paved areas for all parts of the institution property within 200 feet of a residential district that abuts the IR District.
- c. The plan must show the location of all buffer yards required by this section.

### 4. Buffer Yard Location

- a. Buffer yards must be provided at all points on the perimeter of an IR District where the IR District abuts a Residential District.
- b. ~~Buffer yards are not required, however, at any point where the new facility is obscured by an existing building when viewed by a person standing at grade on the boundary~~

~~between the IR District and the residential district or where the boundary is more than 200 feet from the new facility.~~

## 5. Required Buffer Yard Depth

- a. Buffer yards must be provided to a depth from the perimeter of the property a distance equal to one-sixth the height of the building or addition plus 25 feet when abutting a Residential District.
- b. An institution may designate additional depth to a required buffer yard in order to satisfy the standards over the expanded area.

## I. Institutional Buffer Yard Standards

Buffer yards must meet the following standards:

### 1. Plant Material

- a. Buffer yards must contain plant materials such as trees, grass, flowers, shrubs and ground cover over at least 55% of the buffer yard area.
- b. The area beneath any building or parking lot that was constructed prior to the designation of the IR District in which the institution is located may be excluded in the calculation of the percentage under this paragraph.

### 2. Trees

Buffer yards must contain at least one shade or ornamental tree of at least 3-inch caliper for every 20 linear feet of buffer yard, measured along the property line, with no more than 50 feet between trees.

### 3. New Structures Prohibited

New buildings, fences other than protective railings required by the Cincinnati Building Code, walls other than retaining walls, parking lots or loading areas may not be located in any buffer yard.

## 4. Walls

Retaining walls must be faced with stone or maintained with plant material appropriate to a park-like setting.

## 5. Waste Collection

Garbage, trash or recycling containers or facilities may not be located in any buffer yard. At the time of the establishment of a buffer yard, any existing garbage, trash or recycling containers or facilities must be removed. This prohibition on trash containers does not extend to trash receptacles located along walkways or in plazas intended for use by pedestrians.

## 6. Underground Parking

Buffer yards may contain underground parking garages, utility services and other accessory structures when approved by the Director as a conditional use, if located entirely below grade and the surface is restored to park-like appearance with plantings.

## 7. Landscape Maintenance

All required trees and plants must be maintained in a healthy condition and replaced if damaged or destroyed. Further, all buffer yards must be maintained in good condition and kept free of debris.

## J. Sign Standards

Signs in IR must comply with the following:

### 1. Internal Signs

The following permitted signs, not intended for view from beyond the premises of the institution, are subject to the following standards:

#### a. Ground Signs

- i. Maximum Area Per Sign Face: 24 square feet
- ii. Maximum Number of Sign Faces: 2



- iii. Maximum Number: One per building
- iv. Maximum Sign Height: 6 feet
- v. Maximum Sign Width: 12 feet
- vi. Minimum Sign Setback: N/A
- vii. Illumination Permitted: External or internal

**b. Wall Signs Indicating the Name of the Institution and Other Information**

- i. Maximum Area Per Sign Face: 24 square feet
- ii. Maximum Number of Sign Faces: 1
- iii. Maximum Number: 2 per building
- iv. Maximum Sign Height: 20 feet above the average grade of the wall
- v. Maximum Sign Width: None
- vi. Minimum Sign Setback: None
- vii. Illumination Permitted: External or Internal. If internally illuminated, the background of the sign shall be opaque and the letters light emitting.

**c. Marquee, Canopy, or Awning Signs**

- i. Maximum Area Per Sign Face: 24 square feet
- ii. Maximum Number of Sign Faces: 1
- iii. Maximum Number: One per building
- iv. Maximum Sign Height: None
- v. Maximum Sign Width: None
- vi. Minimum Sign Setback: None
- vii. Illumination Permitted: External or internal

**d. Ground or Wall Signs Directing the Way to Hospital Emergency Facilities**

- i. Maximum Area Per Sign Face: 20 square feet
- ii. Maximum Number of Sign Faces: 2

- iii. Maximum Number: 2 per building
- iv. Maximum Sign Height: None
- v. Maximum Sign Width: None
- vi. Minimum Sign Setback: None
- vii. Illumination: External or Internal. If internally illuminated, the background of the sign shall be opaque and the letters light emitting.

**e. Changeable Copy Signs**

Changeable Copy Signs may be erected as a ground or wall sign only and must comply with the following:

- i. Maximum Area Per Sign Face: 24 square feet
- ii. Maximum Number of Sign Faces: 2
- iii. Maximum Number: 1 per building
- iv. Maximum Sign Height: Ground Sign: 6 feet; Wall Signs: 20 feet above the average grade of the wall
- v. Maximum Sign Width: None
- vi. Minimum Sign Setback: None
- vii. Illumination Permitted: External or internal. If internally illuminated, the background of the sign shall be opaque and the letters light emitting.

**f. Instructional Signs**

Instructional signs may be erected as a ground or wall sign only and must comply with the following:

- i. Maximum Area Per Sign Face: 12 square feet
- ii. Maximum Number of Sign Faces: 2
- iii. Maximum Number: 6 per building
- iv. Maximum Sign Height: 6 feet
- v. Maximum Sign Width: None
- vi. Minimum Sign Setback: None

- vii. Illumination Permitted: External or internal. If internally illuminated, the background of the sign shall be opaque and the letters light emitting.

## 2. External Signs

The following permitted signs, that are intended to be seen from beyond the premises of the institution and are located within 200 feet of an SF or RM District, are subject to the following standards:

### a. Ground Signs

Ground Signs indicating the name of the institution and other information:

- i. Maximum Area per Sign Face: 72 square feet
- ii. Maximum Number of Faces: 2
- iii. Maximum Number: One for every public street frontage on the perimeter of the institution.
- iv. Maximum Sign Height: 16 feet
- v. Maximum Letter Height: N/A
- vi. Maximum Sign Width: N/A
- vii. Maximum Sign Setback: Twice the sign height
- viii. Illumination Permitted: External or internal. If internally illuminated, the background of the sign must be opaque and the letters light emitting.

### b. Wall Signs

Wall Signs indicating the name of the institution and other information:

- i. Maximum Area Per Sign Face: One-half square feet for each foot of wall width, not to exceed 50 square feet
- ii. Maximum Number of Sign Faces: 1
- iii. Maximum Number: One per building.

- iv. Maximum Sign Height: 20 feet above the average grade of the wall.
- v. Maximum Sign Width: N/A
- vi. Minimum Sign Setback: N/A
- vii. Illumination Permitted: External or internal

## 3. Building Identification Signs

Building identification signs that are intended to be seen from beyond the site must be erected as wall signs and meet the following standards:

- a. Maximum Display Area: 250 square feet for every sign face.
- b. Placement: Within 20 feet of the top of the wall and shall not project above the roof line. (See Sec. 1711-3, Signs).
- c. Maximum Number On a Single Building: One per external wall and a maximum of four per building.
- d. Maximum Number for Each IR Campus: 4



## Sec. 1703-7. Downtown Districts



### 1703-7.1. Purposes

The general purposes of the downtown development district regulations are to:

- A.** Provide a balance of uses and amenities fostering a vital economic and cultural center of the city and enhance its aesthetic qualities.
- B.** Encourage quality and variety in building and landscape design as well as compatibility in use and form.
- C.** Protect and enhance historic, cultural and architectural resources.
- D.** Create and enhance pedestrian-oriented streets to preserve retail vitality and improve the quality of life for downtown workers, visitors, and residents.

### 1703-7.2. Purpose of Subdistricts

#### A. DD-A Downtown Core

Subdistrict A, Downtown Core is intended to encourage, support and enhance the downtown area as a high-density, mixed-use urban center of regional importance and a center for business, communications, office, government, retail and entertainment. Subdistrict A allows a mix of large-scale offices, convention facilities, commercial, high-rise residential, public, recreation and entertainment uses.

#### B. DD-B Downtown Residential

Subdistrict B, Downtown Residential is intended to create, maintain and enhance areas for residential developments that will complement and support the downtown core. Residential developments may be either as a sole use or as a mixed use and achieved through the adaptive reuse of historic structures or new construction. Subdistrict B also permits loft residences and offices.

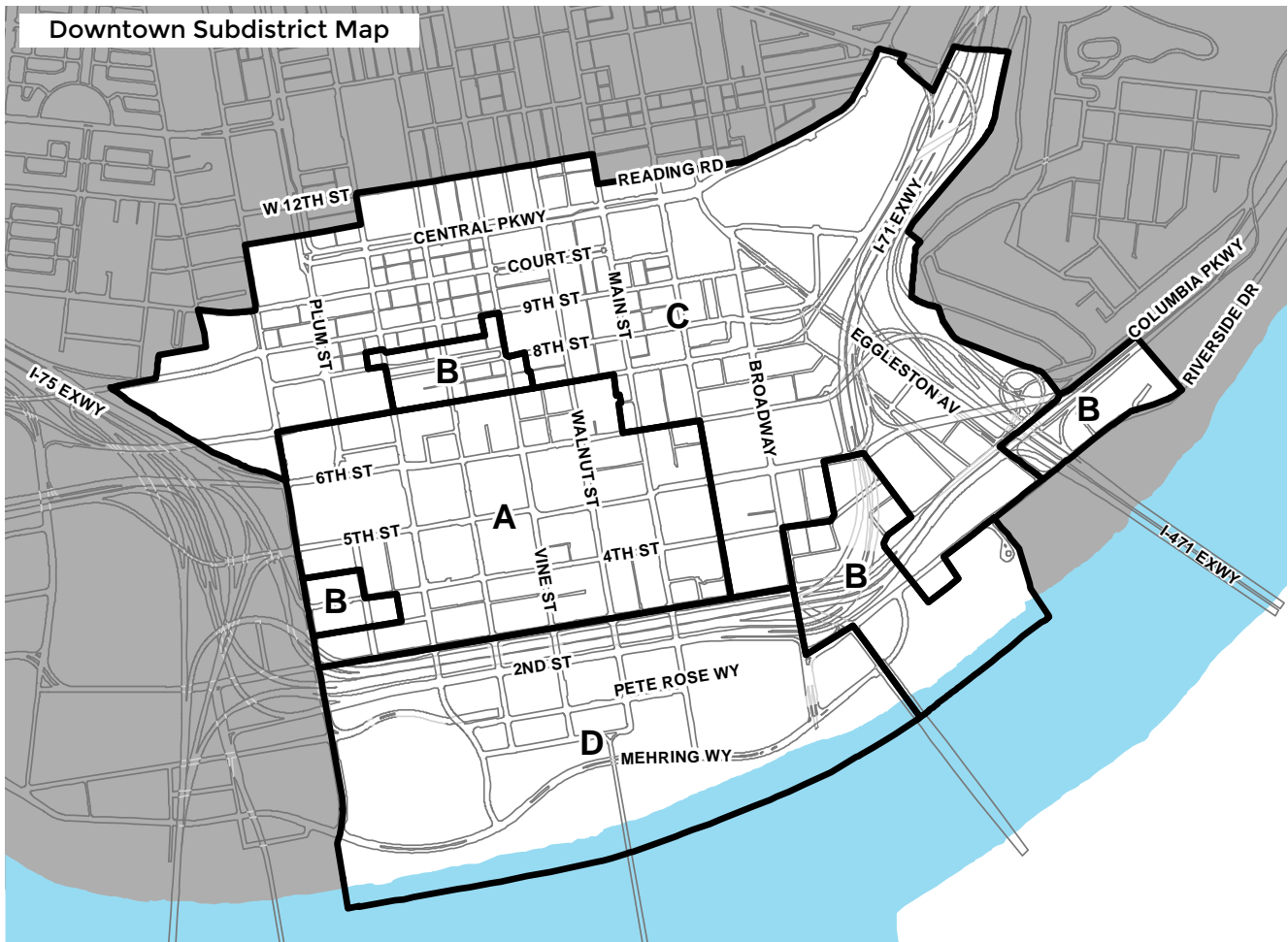
#### C. DD-C Downtown Support

Subdistrict C, Downtown Support, is intended to maintain and enhance the Downtown Development District by providing sites for offices, residential, commercial and public and semi-public uses essential for the livelihood of businesses and neighborhoods located in Cincinnati and residents living in the downtown area. Subdistrict C permits a mix of professional and governmental offices, residential, commercial, public, semi-public and limited industrial uses.

#### D. DD-D Riverfront

Subdistrict D, Riverfront, is intended to enhance the downtown area by providing sites for commercial recreation, hotel, retail and office space and housing in an urban neighborhood along the Riverfront.

## Sec. 1703-7. Downtown Districts





## Sec. 1703-7. Downtown Districts

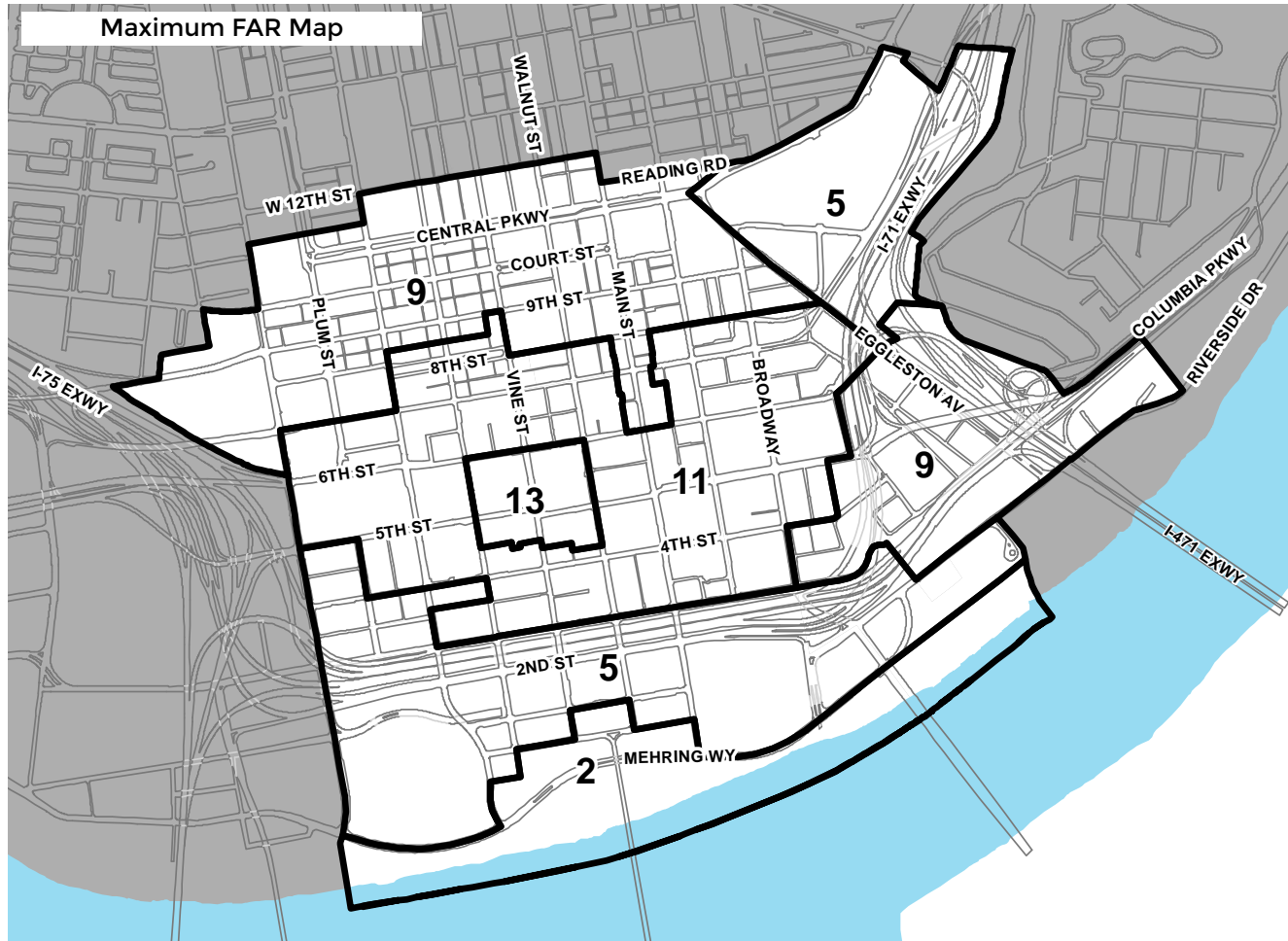
### 1703-7.3. Development Regulations

The table below summarizes the development regulations for the DD Downtown Development Districts, including lot area, FAR, height, setback and building coverage.

Regulations	DD-A	DD-B	DD-C	DD-D	Additional Regulations
Building Scale-Intensity of Use					
Floor Area Ratio (FAR)	See Floor Area Ratio (FAR) Map				Sec. 1703-7.4
Required Residential Uses	No	Yes	No	Yes	Sec. 1703-7.5
Building Form and Location					
Maximum Building Height	See Height Map				Sec. 1703-7.6
Minimum Facade Height	40'	40'	40'	40'	Sec. 1703-7.7
Minimum Yard	See Overlay Map				Sec. 1703-7.7
Pedestrian Orientation					
Commercial Continuity	See Commercial Continuity Map				Sec. 1703-7.8
Ground Floor Transparency	60%	60%	60%	60%	Sec. 1703-7.10
Vehicle Accommodation - Parking and Loading					
Required Parking	See Parking Map				Sec. 1703-7.11
Location of Parking	Yes	Yes	Yes	Yes	Sec. 1703-7.12
Lot and Structure Design	Yes	Yes	Yes	Yes	Sec. 1703-7.15
Loading	Yes	Yes	Yes	Yes	Sec. 1703-7.18
Other Standards					
Allowed-Permitted uses					Sec. 1703-9
Landscaping and buffering					Sec. 1711-2
Nonconformities					Sec. 1752-7
Parking					Sec. 1711-1
Outdoor storage and display					Sec. 1711-5
Rules of measurement					Sec. 1703-10
Signs					Sec. 1711-3
Site lighting					Sec. 1711-4
Use standards					Sec. 1703-9

### 1703-7.4. Floor Area Ratio (FAR)

Floor Area Ratio (FAR) in all DD Subdistricts varies according to the map below. A building may not exceed the FAR for its location as shown on the map below.



For purposes of this section, building gross floor area is the sum of the individual gross floor area of every story of the building provided:

- A. Any underground story is disregarded. A story is deemed underground if its floor level is more than 3 feet 6 inches below the average street grade at the exterior walls of the building. For the Banks, the grade is street grade.
- B. If the first story (other than an underground story) of a building is more than 25 feet in height, its individual gross floor area is added to the base building gross floor area as many times as its average height is divisible by 25 feet, rounded to the next highest whole number. For example, if the average height of a first story is 36 feet, the individual gross floor area of the first story is added twice in the calculation of the building gross floor area.
- C. If an upper story of a building (other than a story exclusively devoted to heating, ventilating, air conditioning, elevators or other building service equipment) is more than 15 feet in height, its individual gross floor area is added to the building gross floor area as many times as its average height is divisible by 15 feet, rounded to the next highest whole number.

### 1703-7.5. Required Residential Uses

- A. In DD-B, every new building, other than parking garages subject to design review pursuant to Sec. 1703-7.16 or hotels, must have at least 50% of its building gross floor area devoted to residential dwellings.
- B. In DD-D, every new building must have at least 25% of its building gross floor area devoted to residential dwellings. Provided, however, a building that has at least 75% of its building gross floor area devoted to parking, museums or sports facilities and is subject to design review and approval by the City Manager pursuant to an agreement between the city and the property owner or is being built in accordance with a site master plan approved pursuant to Sec. 1703-7.22 is exempt from this requirement. Further, the Zoning Hearing Examiner may, following the procedures specified for the granting of variances, grant such variances from this provision where the applicant demonstrates by clear and convincing evidence that it is not economically feasible to include residential dwellings within the building, that denial of this variance would deny the owner an economic return on investment for the total project and that the grant would be consistent with standards set forth in Sec. 1751-2.

### 1703-7.6. Maximum Building Height

Maximum building height in all DD Subdistricts varies according to the Maximum Building Height Map. Projections above the maximum height limit are permitted, as prescribed in Sec. 1703-7.11.8. A building may not exceed the maximum building height for its location as shown on the Maximum Building Height Map.

### 1703-7.7. Minimum Facade Height

In locations indicated on the Zero Setback Map every building must be built with a facade at least 40 feet in height and abut the public right-of-way along the indicated locations. Provided, however:

#### A. Rowhouses Attached Dwellings

Rowhouses Attached Dwellings may have a front yard up to 10 feet deep.

#### B. Recessed Entrances

A building may be served by a recessed major entrance provided:

1. The entrance width does not exceed 10% of the building facade length fronting on the right-of-way;
2. The entrance depth does not exceed the entrance width; and
3. The entrance height does not exceed 25 feet.

## Sec. 1703-7. Downtown Districts

**Maximum Building Height Map**

This map illustrates the maximum building height limits for various zones in downtown St. Louis, Missouri. The zones are defined by thick black outlines and labeled with their respective height limits in feet Above Sealed Level (ASL). The map includes major streets and highways, as well as the Mississippi River.

**Key Zones and Height Limits:**

- 650 ASL
- 750 ASL
- 900 ASL
- 1050 ASL
- 1200 ASL
- NO LIMIT
- 675 ASL
- 530 ASL
- 520 ASL
- 595 ASL
- 607 ASL
- 565 ASL
- 655 ASL
- 675 ASL
- 655 ASL
- 900 ASL

**Major Streets and Highways:**

- W 12TH ST
- READING RD
- COURT ST
- 9TH ST
- MAIN ST
- 6TH ST
- 5TH ST
- 4TH ST
- 2ND ST
- BROADWAY
- EGGLESTON AV
- COLUMBIA PKWY
- RIVERSIDE DR
- I-75 EXWY
- I-471 EXWY
- MEHRING WY
- VINE ST
- PLUM ST
- WALNUT ST

**Geographical Features:**

- Mississippi River

**Zero Setback Map**

This map illustrates the Zero Setback area in downtown St. Louis, Missouri. The area is defined by a grid of streets, with building footprints highlighted in black. The streets shown include W 12th St, 9th St, 8th St, 6th St, 5th St, 4th St, 2nd St, and Mehring Wy. Major highways like I-75 and I-471 are also depicted. The map shows a dense urban layout with a mix of commercial and residential buildings.

## Sec. 1703-7. Downtown Districts

### 1703-7.8. Commercial Continuity

In locations indicated on the Commercial Continuity Map at least 60% of first-floor building frontage be devoted to commercial uses. Further, floor areas closest in elevation to and within 12 feet of adjoining walkway or atrium frontages must be devoted to lobbies.

### 1703-7.9. Skywalk Overlay

The Skywalk Map shows the existing skywalk system as well as locations for extensions.

### 1703-7.10. Ground Floor Transparency

- A. In order to enhance the image of activity within the DD District and thereby contribute to pedestrian activity and security, at least 60% of interior facades along the skywalk and exterior facades abutting a sidewalk indicated on the Commercial Continuity Map must be transparent.
- B. For purposes of this section, transparent means open or enclosed by clear and non-reflecting glass or other material between the height of two feet and ten feet above the walkway grade that provides pedestrians on adjacent sidewalks an unobstructed view extending at least 2 feet into the building interior.

### 1703-7.11. Required Parking Spaces

- A. Parking requirements in all DD Subdistricts varies according to the Parking Map.
- B. Parking is required for the construction of new buildings. Parking is not required for the conversion, renovation or change in use of an existing building, provided any increase in gross floor area may not exceed ~~10~~25%.
- C. Parking is not required for any use within an Urban Parking Overlay District established according to Section ~~1425-031711-1.2.B.2.~~
- D. Parking is not required for up to 20 residential dwelling units per building. Where 4 or more parking spaces are required, any space that requires

the movement of another vehicle to gain access to or from the space is not credited toward the requirement. The table below prescribes the parking requirements for residential and office uses in the Downtown Development District.

Use	Parking Subdistrict			
	W	X	Y	Z
Residential Uses (space/dwelling unit)	First 20 dwelling units: 0 Per dwelling unit above 20: 0.75			
Office Uses (1 space/square feet)	1,200	1,000	750	750

### 1703-7.12. Location of Parking

The location of parking in all DD Subdistricts varies according to the Parking Map. Parking in each parking subdistrict may also vary by type as prescribed below:

Parking Type	Parking Subdistrict			
	W	X	Y	Z
Accessory Surface Parking	No	Yes	Yes	Yes
Public Surface Parking	No	No	Yes	Yes
Parking Garage	Yes	Yes	Yes	Yes

### 1703-7.13. Accessory Surface Parking

Accessory surface parking must be located within 200 feet of the building that it is intended to serve and must be for the exclusive use of the occupants and visitors of that building.

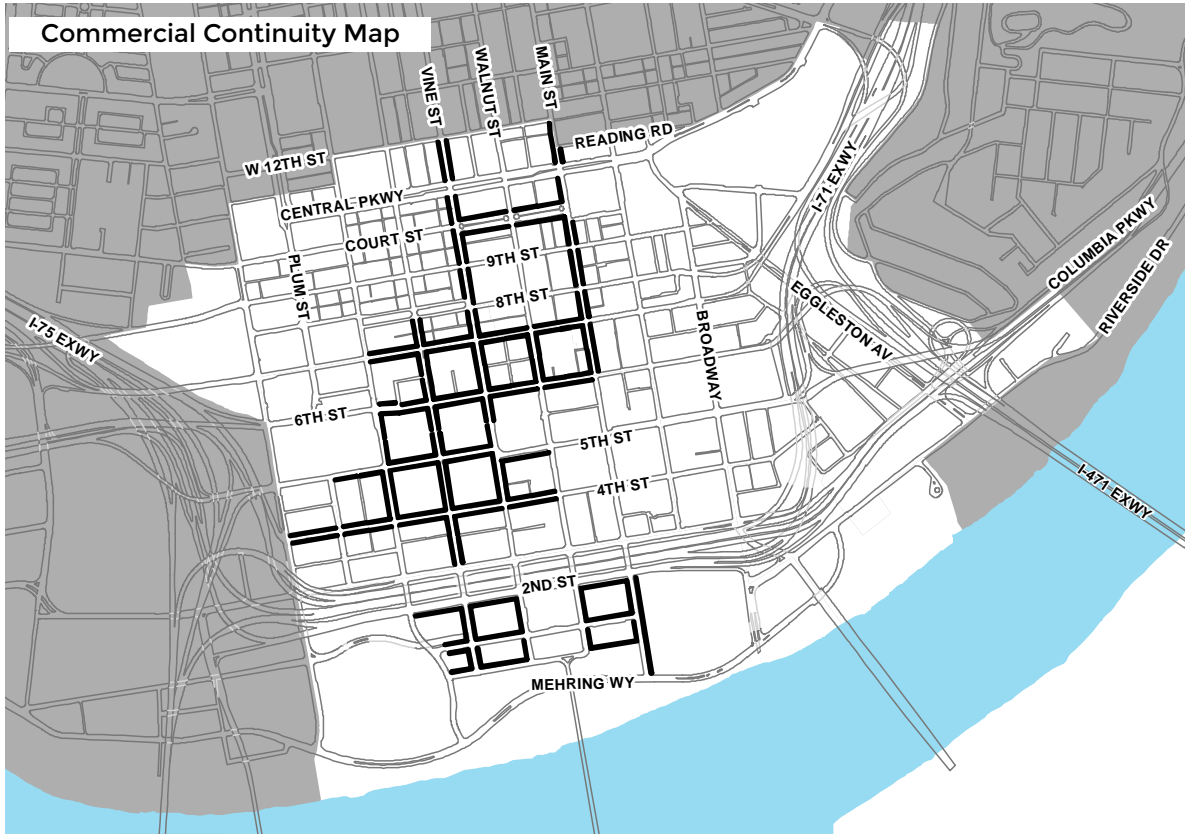
### 1703-7.14. Off-Site Parking

Required parking may be provided on-site or by securing or constructing parking spaces off-site within Parking Subdistricts W, X or Y, provided that no more than 25% of the required spaces are provided off-site. Off-site parking spaces must be for the exclusive use of the occupants and visitors of the development for which they are being provided. The property on which the off-site parking spaces are located may be under different

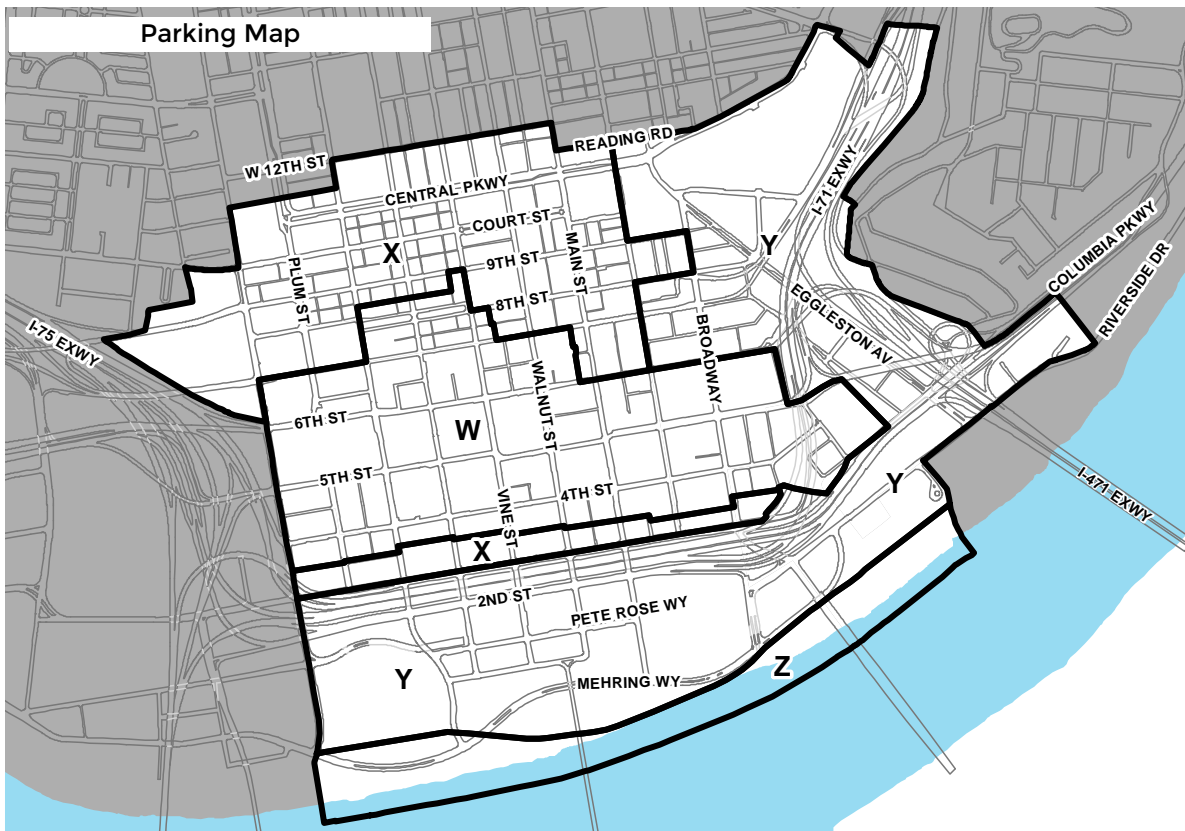


## Sec. 1703-7. Downtown Districts

Commercial Continuity Map



Parking Map



## Sec. 1703-7. Downtown Districts

ownership, provided the owner covenants to the city that the site parking spaces are for the exclusive use of the occupants and visitors of the development for which they are being provided. This covenant may be released only if all parking spaces released are replaced by other new spaces subject to a like covenant or the development no longer requires the parking spaces.

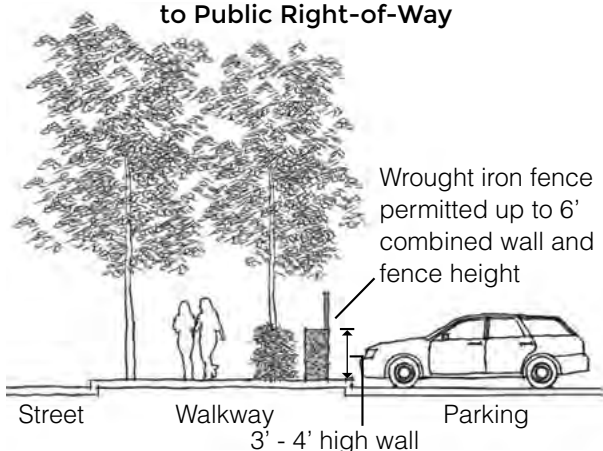
### 1703-7.15. Lot and Structure Design

All portions of the perimeter of a surface parking lot that abut a public right-of-way, other than approved entrances and exits, must have a solid concrete or masonry wall or wrought iron fence between 3 and 4 feet in height, adjacent to any public right-of-way as illustrated in below A wrought iron fence may be up to 6 feet in height or constructed on top of the wall for a combined wall and fence height of up to 6 feet. Any deviation from the fencing requirements may only be permitted if approved pursuant to Sec. 1751-2.

#### Example of Screening Surface Parking



Screening Surface Parking Lots Adjacent to Public Right-of-Way

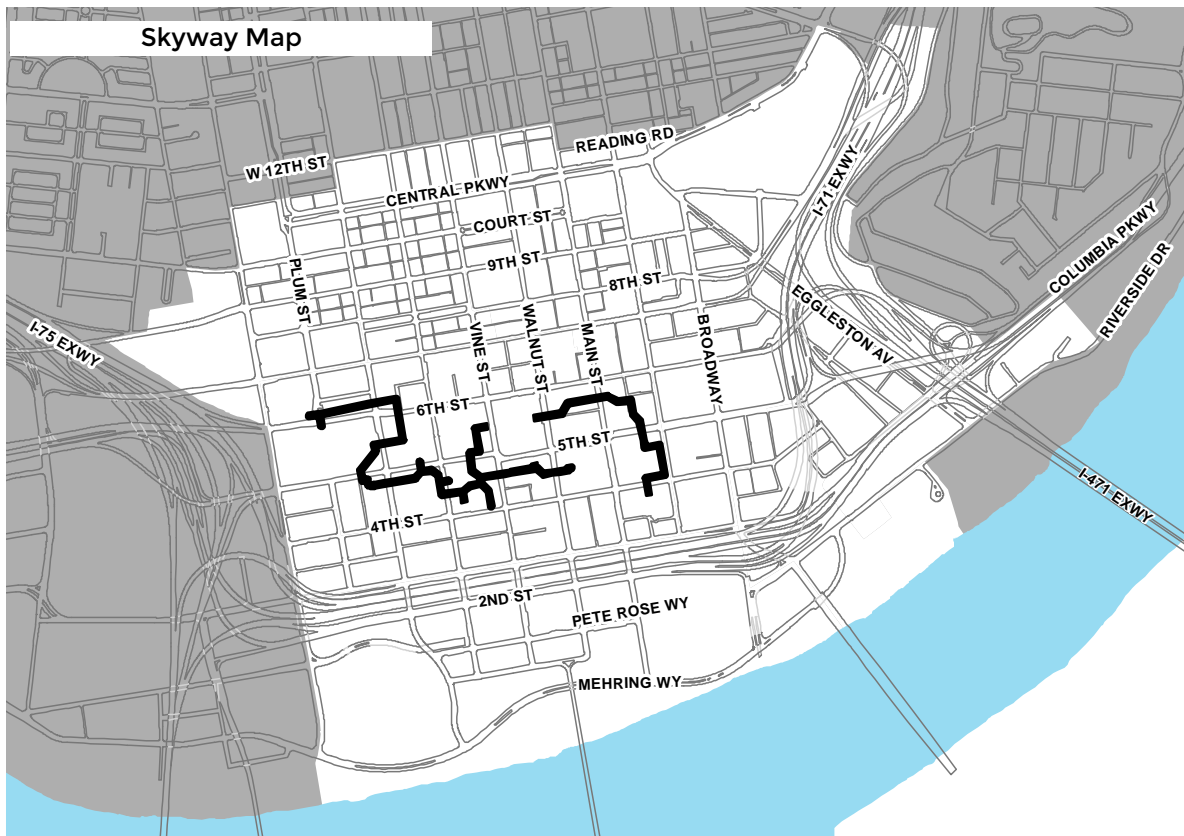


### 1703-7.16. Design Review of Parking Garages

A building having more than 100 above-street-grade parking spaces and devoting more than one-half its above-street-grade gross floor area to parking may not be constructed in Parking Subdistrict W or X unless the design of the building is reviewed and approved under Sec. 1751-2 or by the Zoning Hearing Examiner. The following guidelines apply to parking garage facades facing any right-of-way greater than 50 feet in width or the skywalk:

- A. Parked cars must be screened from public view from every adjacent public way greater than 50 feet in width.
- B. Garage entrances and exits must be designed and located so as to minimize hazards to pedestrians.
- C. Facades must contain openings that, in their scale, size and placement, are compatible with the same qualities of openings in surrounding buildings.
- D. Facades must contain articulations to achieve a sense of scale, rhythm and texture.
- E. The facade of the ground-level floor must be differentiated from upper floors to establish the appearance of a base to the building. By way of example, this differentiation can be achieved through the use of several of the following techniques:
  - F. A taller ground floor.
  - G. A change in color.
  - H. A change in material
  - I. A change in detailing.
  - J. Banding at the top of the ground floor.
  - K. Other architectural means.
- L. The design of facades may not reveal or imply sloping floor levels that may be behind the facade.

## Sec. 1703-7. Downtown Districts

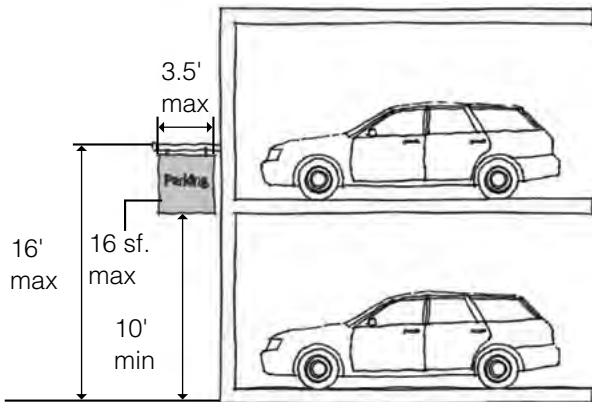


- M. Facades must be compatible with the design, materials and overall character of surrounding buildings with regard to the scale, color and texture of materials, form, massing and design detailing.

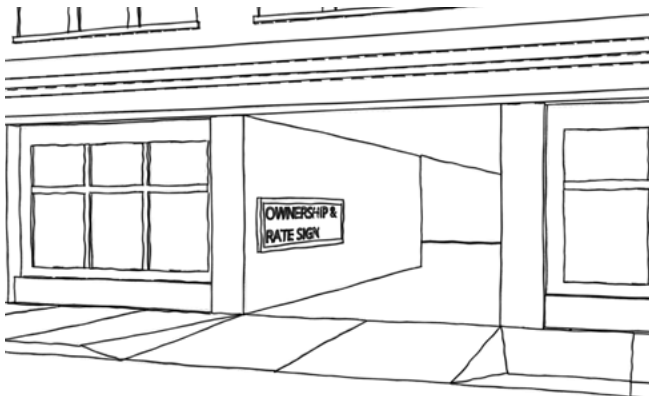
### 1703-7.17. Parking Signs

Signage in parking lots and garages must comply with the following:

- A. Parking Identification Signs.** Parking identification signs may be erected at every entrance and may be internally illuminated, provided the area of any sign face may not exceed 16 square feet. For parking lots, signs may be erected as a ground or wall sign. For parking garages, signs may be erected as a wall sign or projecting sign. The height of any sign may be no less than ten feet above street grade and may not exceed 16 feet above street grade. The maximum width of a projecting parking identification sign may not exceed 3.5 feet.



- B. Parking Ownership and Rate Sign.** Public ownership and rate signs may be erected as a wall sign or be affixed to the fencing required by Sec. 1703-7.15. The copy must be as required by Chapter 413, Parking Garages and Parking Lots, of the Municipal Code.



- C. Parking Entrance/Exit Signs.** Parking entrance/exit signs may be erected at every entrance or exit. A parking entrance/exit sign may not exceed 8 square feet in face area.

### 1703-7.18. Loading Requirements

Loading spaces must be provided pursuant to Sec. 1711-1.9. Loading Spaces within Parking Subdistrict W or X must be entirely enclosed.

### 1703-7.19. Signs

Signs located in any DD subdistrict must comply with the following regulations, [1711-3 Signs](#), and with Chapter 718, Revocable Street Privileges, of the Municipal Code. Every sign erected, constructed, painted or maintained for which a permit is required, must be plainly marked with the name of the person erecting, painting and maintaining such sign, and must have affixed the number corresponding to the permit issued for the sign. The absence of a reference to a permit number is prima facie evidence that the sign or advertising structure is being displayed in violation of this section.

#### A. Prohibited Signs

The following signs are prohibited in the DD District:

1. Outdoor advertising signs.
2. Flashing signs, unless a marquee sign as provided below.
3. Portable signs.

#### B. Projecting Signs

Projecting signs must comply with the following unless located in a Historic District and approved by the Historic Conservation Board:

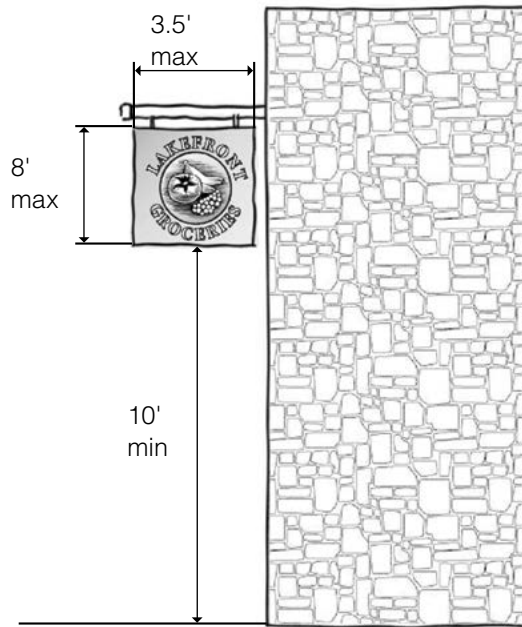
1. Location: Below the third story of a building and extend from the building facade.
2. Maximum Width: 3.5 feet.
3. Maximum Height: 8 feet.
4. Required Clearance: A ten-foot clearance above the sidewalk must be maintained.



## Sec. 1703-7. Downtown Districts

- Lighting must be integrated with the sign design and must complement the building.
- Signs may not conceal any ornamental architectural elements.
- A revocable street privilege is required for signs projecting into the public right-of-way.

### Projecting Signs in DD Subdistricts



### C. Street-Level Wall Signs

Street-level wall signs must comply with the following:

- Maximum Width: contained within the horizontal limits of the business premises.
- Maximum Height: 3.5 feet.
- Maximum Display Area: 1-square foot for each one-foot of business frontage on the street to be faced by the sign.
- Awning signs are considered street level wall signs. Awning signs may not exceed 12 square feet of total surface area and letters may not exceed 12 inches in height.
- The sign may not conceal any ornamental architectural elements and may not project above a parapet.
- Signs painted on buildings and structures are deemed street-level wall signs.

### D. Skywalk-Level Wall Signs

Skywalk-level signs must comply with the following:

- Maximum Width: contained within the horizontal limits of the business premises.
- Maximum Height: 2 feet.
- Maximum Area: 30 square feet or 0.5-square feet for each foot of business frontage on the skywalk to be faced by the sign, whichever is more restrictive.

### Wall Signs in DD Subdistricts





### E. Ground Signs

Ground signs must comply with the following:

1. Applicability: A building setback from the public right-of-way by more than 25 feet may be served by one ground sign; otherwise, a ground sign is not permitted.
2. Maximum Height: 16 feet.
3. Maximum Area: 60 square feet or one-half square foot for each front foot of the building.

### F. Building Identification Signs

Building identification signs must comply with the following:

1. One trademark or building identification sign ~~identifying the principal occupant as determined by the building owner of a building~~ is ~~allowed~~ permitted for each building facade, with a maximum of four signs for the building.
2. The trademark or the letters comprising the occupant name must be affixed directly to the building facade.
3. The building facade underlying the trademark or name may not be painted or otherwise differentiated from the remainder of the building facade merely to draw attention to the sign.
4. The top of the sign may not project above the parapet, nor may the parapet be enlarged to accommodate a sign.
5. The sign may be illuminated, but may not be a flashing sign.
6. The maximum size of the sign cannot exceed the width of the wall on which the sign is attached multiplied by one foot for each 30 feet the top of the sign is located above street grade or 1,800 square feet,

whichever is less. For example, a sign whose top is 400 feet above street grade is proposed to be located on a wall that is 150 feet in width where the sign is to be located. The maximum size equals the lesser of  $13 \times 150 = 1,950$  and 1,800. The maximum size is 1,800.

### G. Marquee Signs

Marquee signs must comply with the following:

1. The sign must be accessory to a large-scale recreation and entertainment use, hotels or convention center.
2. The sign may not be attached to a roof structure and must be integrated architecturally into the primary structure.
3. The sign may contain copy or other images announcing on-premise events only.
4. The copy may be permitted to flash, move or otherwise change at intervals of more than one each six seconds.
5. The size and design of a marquee is subject to review and approval of the Director ~~of Buildings and Inspections~~ prior to issuance of a building permit.
6. A revocable street privilege is required for any marquee sign that extends into the public right-of-way.

### H. Murals

Murals are regarded as a work of art and must demonstrate an artistic quality or theme as opposed to direct or indirect illustrative advertising. Murals must comply with the following:

1. Advertising copy and trademarks are prohibited.
2. One mural on one wall for every building.
3. Subdivision Real Estate or Construction Signs. Subdivision real estate and construction signs must comply with the following:

## Sec. 1703-7. Downtown Districts

- a. A maximum of one sign for every street frontage.
  - b. Total Surface Area: 64 square feet.
  - c. Temporary signs must be removed within 24 hours of the completion of the activity.
4. Temporary Message Sign (including banners). Temporary message signs must comply with the following:
  - a. Be made of cloth or other light fabric.
  - b. May not exceed 12 feet in any of its dimensions.
  - c. The message must pertain only to the business, commodity, service or entertainment conducted, sold or offered on the same premises as where the sign is maintained.
  - d. Temporary message signs may be installed for a period not to exceed 30 days for a maximum of four times for every calendar year with at least 7 days between installations.
  - e. Temporary message signs may not cover any building openings such as windows and doors.

### 1703-7.20. Additional Floor Area for Historic Conservation or Residential Development

A Conditional Use may be approved allowing additional floor area beyond that ~~allowed~~ permitted by Sec. 1703-7.4, for projects receiving a Historic Conservation Bonus or Residential Gross Floor Area Bonus. In no case may additional floor area be granted such that the maximum building heights prescribed by Sec. 1703-7.6, are exceeded.

#### A. Historic Conservation Bonus

1. Under the City's Historic Easement Program, the owner of a building that is listed on the National Register of Historic Places and is located in any

DD subdistrict may donate an easement in return for a Certificate of Transferable Bonus Gross Floor Area, provided the easement is accepted by the Historic Conservation Board. This one-time certificate is issued by the Urban Conservator, who has the duty to maintain a record of the issued certificate, including the owner, the gross floor area available for transfer and the gross floor area actually transferred.

2. All bonus gross floor area available under the easement may be transferred, provided the gross floor area does not exceed the maximum building heights prescribed by Sec. 1703-7.6. Certificates of Transferable Bonus Gross Floor Area may be transferred to and redeemed by anyone other than the original certificate holder.
3. Certificates to be redeemed must be tendered to the Urban Conservator prior to the issuance of permits for construction. On completion of construction, certificates are canceled and no certificate may be reissued, even if the building constructed pursuant to its redemption is demolished.

#### B. Residential Gross Floor Area Bonus

The residential gross floor area bonus equals the total interior floor area of a building that is exclusively devoted to residential purposes, provided the bonus gross floor area does not exceed 25% of the building gross floor area.

### 1703-7.21. Design Review of Publicly-Funded Parking Garages

Publicly-funded parking garages are subject to the following review:

#### A. Design Review Responsibility

1. On receipt of an application for a publicly-funded downtown parking garage, the City Manager, who has the duty to appoint the person or persons responsible for design review, may by contract retain a person

## Sec. 1703-7. Downtown Districts

prominent in the field of design of urban projects of scale similar to the proposed development to be responsible for design review.

2. The application must be available, as it may be revised, for public inspection. Those responsible for design review may meet periodically with the applicant in a public, informal conference to discuss the building design.

### B. Design Review Determination

The person or persons responsible for design review has the duty to approve the proposed work if it conforms with the Comprehensive Plan or other applicable urban renewal plan, any otherwise applicable guidelines, laws, ordinances, regulations and variances granted for the work pursuant to Sec. 1751-2 and is in the public interest.

1. The work may be approved subject to conditions as necessary to ensure that the work is lawful, appropriate to its site and the surrounding area and in the public interest. Otherwise, the work must be disapproved.
2. If the work is disapproved the reasons therefore must be stated in writing as findings of fact and conclusions of law.
3. In determining whether the work is in the public interest, the decision-making authority has the duty to consider those factors listed in Sec. 1703-7.16 and Sec. 1751-4 that are relevant to the work and apply them in light of their professional training and experience. The failure of the proposed work to conform to any single factor or guideline is not necessarily a sufficient basis for denial. The decision-making authority has the duty to approve work that maximizes both the public interest and private benefits.

### C. Appeals

Any adversely affected applicant may appeal a decision made pursuant to paragraph B above to the City Manager. The City Manager has the duty to conduct a public hearing on the appeal and affirm, modify or reverse the decision in conformity with the provisions of this Section. The decision of the City Manager is final, subject to appeal as provided by law.

### Phased Developments

- D. ~~Where the owner of a lot or lots in the DD District intends to phase the development by first erecting one building and then enlarging that building or erecting one or more additional buildings or both, the owner must, prior to commencing development of the site, file a site master plan with the Zoning Hearing Examiner.~~
- E. ~~The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this LDC.~~
- F. ~~If the development is required to devote gross floor area to residential dwellings of Sec. 1703-7.5, compliance with the residential dwelling requirement need not be demonstrated at every phase of the development, but only after completion of all phases of the development. Further, the applicant may be required to demonstrate that completion of all phases is a commercially reasonable exception.~~
- G. ~~The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner. Compliance with the~~

~~DD District Regulations must be determined each time a permit for construction of a new building or enlargement of an existing building is made.~~

- H. ~~The site may be further subdivided and title to the various parcels held by different owners, provided that appropriate deed restrictions, covenants and easements be provided as determined to be necessary by the Zoning Hearing Examiner to ensure that the arrangement of building density and public amenities used to calculate allowable gross floor area are maintained for as long as any building erected on the site pursuant to this provision remains.~~

### 1703-7.22. Demolition

- A. Except in cases of public emergency, no permit for the demolition of any building in the DD District shall be issued unless an application for a building permit for work to replace the building to be demolished has been filed with the Director ~~of Buildings and Inspections~~. Provided, however, the applicant may instead post a bond with the Director ~~of Buildings and Inspections~~ to secure compliance with Sec. 1703-7.25-24.
- B. The bond shall be in the amount equal to \$10 per square foot of the area of the lot on which the building to be demolished is located.

### 1703-7.23. Maintenance of Vacant Lots

Every owner of any vacant lot within the DD District has the duty to keep the lot clean, free from garbage, litter, standing water, debris, parked motor vehicles other than those parked in a lawfully existing parking or loading facility and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of the DD District or properties in the vicinity.

### 1703-7.24. Landscaping

- A. Any lot within the DD District kept vacant for more than 180 days following the demolition of any buildings thereon shall be landscaped and thereafter maintained in good order. Landscaping shall be in accordance with a plan approved by the hearing examiner following the procedures and standards set forth in Sec. 1751-4.
- B. The landscaping shall be appropriate to an urban park or garden. The lot shall be fenced as appropriate for public safety and aesthetics. All plant material shown on the approved plan shall be watered, fertilized, pruned, kept free from weeds and litter and replaced if diseased, injured or dead, consistent with good horticultural practices. Such lots shall not be used for storage.

# Sec. 1703-8. Planned Development Districts

## 1703-8.1. Specific Purposes

In addition to the general purposes listed in Chapter 1701, the specific purposes of the PD Planned Development District are to:

- A.** Establish a procedure for the development of land in order to allow for a more efficient and economic development of property than ordinarily permitted by conventional zoning and subdivision regulations.
- B.** Ensure orderly and thorough planning and review procedures that lead to quality design and development.
- C.** Encourage creativity in developments by allowing greater flexibility in access, light, open space and amenities.
- D.** Encourage common open space and provide for its maintenance.
- E.** Encourage the coordinated development of properties that might otherwise be developed individually, which may be a detriment to the surrounding neighborhoods and the developer.

## 1703-8.2. Land Use Regulations

Any use authorized by this LDC may be permitted in any specific PD District and located and conducted in accordance with the applicable regulations adopted pursuant to this Section to govern each specific PD District.

## 1703-8.3. Basic Requirements

PD Districts and development within PD Districts must comply with the following:

### A. Minimum Area

The minimum area of a PD District is 2 contiguous acres. Council may approve a PD District that contains less than the minimum acreage required for an area on an affirmative recommendation of the City Planning Commission, finding that special site characteristics exist and the proposed land uses justify development of the property as a PD.

### B. Ownership

Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

### C. Multiple Buildings on a Lot

More than one building is permitted on a lot.

### D. Landmarks and Districts

Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district or involving a historic structure, the Historic Conservation Board shall advise the City Planning Commission relating to approval of the Final Development Plan

### E. Hillside Overlay Districts

Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.

### F. Urban Design Overlay Districts

Whenever a Planned Development Urban Design Overlay application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.

## 1703-8.4. Establishment of Districts

- A.** PD districts may be established, modified or removed from the zoning map and the regulations applicable to any specific PD District may be established, modified or deleted as an amendment to the zoning map.
- B.** A PD District is identified on the zoning map with the letter coding "PD" followed by a specific reference number identifying each separate district.



## Sec. 1703-8. Planned Development Districts

- C. All use regulations, Planned Development Plans, development schedules and other regulatory provisions adopted pursuant to this Section that apply to any specific PD District, are part of the LDC as if fully set forth in the LDC and identified by reference to the corresponding designation of each specific PD District on the zoning map.

### 1703-8.5. Concept Plan and Development Program Statement

- A. A petition to rezone property to a PD District must have a concept plan and development program statement included.
- B. The purpose of the concept plan and development program statement is to describe the proposed use or uses to be conducted in the PD District, including regulations governing permitted uses, conditional uses, site use and development, off-street parking and loading requirements and other special regulations that may be appropriate to govern development, use and maintenance of the site or sites included within the PD District.
- C. Applicants are encouraged to engage in informal consultations with the Department of Community Development and Planning staff prior to preparing plans; however, no statement or representation by staff is binding on either the department or the City Planning Commission. The concept plan and development program statement must include a text and diagram or diagrams that specify:

#### 1. Plan Elements

A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including

set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.

#### 2. Ownership

Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

#### 3. Schedule

Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.

#### 4. Preliminary Reviews

A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

#### 5. Density and Open Space

Calculations of density and open space area.

#### 6. Other Information

Any other information requested by the Director of Community Development and Planning or the City Planning Commission.

### 1703-8.6. City Planning Commission and Council Action

The City Planning Commission has the duty to consider an application for reclassification to a PD District as an amendment to the zoning map and to consider at the same time the proposed concept plan and development program statement. A Commission recommendation to reclassify to a PD District must be accompanied by an approval or a conditional approval of a concept plan and a development program statement.

## Sec. 1703-8. Planned Development Districts

### A. City Planning Commission Action

The City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District as the Commission deems necessary for the protection of the public interest and to secure compliance with the development program statement, on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;
2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;
3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and

### B. Council Action

Council has the duty to consider the recommendation of the City Planning Commission in the same manner as a proposal to amend the zone map.

### C. Lapse of Approvals

1. Approval of a concept plan and development program statement lapses two years from its effective date unless:
  - a. A final development plan has been approved, or
  - b. The City Planning Commission has approved an extension of time that may not exceed one year.

2. If an approval of a concept plan and development program lapses, the PD District designation is to be removed from the zoning map and the zoning of the PD District reverts to the zoning district designation in effect immediately before the PD designation.
3. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

### 1703-8.7. Amendment to a Planned Development Concept Plan

Concept Plans may be amended as follows:

#### A. Minor Amendments

The Director of City Planning may approve minor amendments provided that they do not change building heights by more than ten percent, floor area by more than five percent, decrease parking spaces by more than ten percent or allow buildings or accessory uses closer to the perimeter property lines.

#### B. Major Amendments

Amendments to any Concept Plan other than a minor amendment must be approved by the City Planning Commission. Amendments that change the uses ~~allowed-permitted~~ or change the density of the development by more than ten percent require approval of the City Planning Commission and Council as a zoning map amendment.

### 1703-8.8. Final Development Plan

Following approval of a PD District with a concept plan and development program statement, a final development plan must be submitted to the City Planning Commission. A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan has to

## Sec. 1703-8. Planned Development Districts

conform substantially to the approved concept plan and Development Program Statement. The final development plan must include in text and map form:

### A. Survey

Plan or survey of the parcel to be developed showing existing and proposed physical features, including: topography, drainage, open space areas and landscaping; and streets, easements and utility lines.

### B. Site Plan

A site plan showing the location and arrangement of all existing and proposed structures, including building pads, the proposed internal and external traffic circulation pattern, the areas to be developed for parking, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities.

### C. Engineering Plans

Engineering plans, including: site grading; street improvements; drainage and utility improvements and extensions as necessary.

### D. Open Space

A statement of the anticipated open space, gross density and net density.

### E. Schematic Building Plans

Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials.

### F. Landscape Plans

Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities.

### G. Phase Schedule

A schedule for the development of such phases must be submitted when a development is to be constructed in phases.

### H. Ownership

Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

### I. Statement of Uses

A statement identifying the principal uses that are to be included in the proposed development.

### J. Future Ownership and Control

Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities.

### K. Restrictive Covenants

Copies of any restrictive covenants that are to be recorded with respect to property included in the PD District.

### L. Other Information

Any other information requested by the Director or the City Planning Commission as deemed necessary.

## 1703-8.9. Planning Commission Approval of Final Development Plan

The City Planning Commission may approve a final development plan for a development in a PD District on consideration of the following:

### A. Consistency

The final development plan is consistent with the purpose of the Planned Development District Regulations;

## Sec. 1703-8. Planned Development Districts

### B. Adequate Streets

The existing and proposed internal and external streets are adequate to serve the proposed development and properly interconnect with the surrounding existing road network;

### C. Adequate Infrastructure

The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;

### D. Covenant

1. The Department ~~of Buildings and Inspections~~ must require covenants by the owner of the property in a form acceptable to the City Solicitor to be recorded indicating that the open spaces, parking areas, walks and drives as shown on the plan may not be used for any other purpose.
2. The owner must further covenant that all streets, common areas, common utilities and other common facilities remain in common ownership by all owners of any interest in the land or buildings in the Planned Development other than a leasehold interest of less than five years. (Sec. 1751-1).

### E. Release of Covenants

The City Manager, on receipt of a recommendation from the Director of Building and Inspections, may recommend the covenant be terminated in the following instances: the particular use requiring a covenant is no longer necessary and the building permits have been terminated, or the condition or conditions requiring such covenant are no longer applicable.

### F. Compatibility

The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;

### G. Sufficiency of Legal Documents

Proposed covenants, easements and other provisions meet development standards; and

### H. Sufficiency of Provisions for Maintenance of Common Areas

Open space and common areas are identified and provisions have been made for the care and maintenance of such areas.

### 1703-8.10. Concurrent Approval of Concept Plan, Development Program Statement and Final Development Plan

The City Planning Commission may review and approve the Concept Plan, Development Program Statement and the Final Development Plan concurrently, provided that the applicant meets the submission requirements of both the Concept Plan and the Final Development Plan. The Planning Commission's approval of the Final Development Plan is contingent on the applicant obtaining City Council's approval of the Planned Development map amendment without changes.

### 1703-8.11. Appeals

The City Planning Commission's approval or denial of a request for renewal, revision or approval of a final development plan is subject to appeal to the Zoning Board of Appeals pursuant to § ~~1751-7, 1449-03 and § 1449-09~~

### 1703-8.12. Limitation on Final Plan Implementation

Final development plans are subject to the following:

#### A. Expiration

A final development plan is effective on the date approved by the City Planning Commission and expires after two years unless a building permit has been issued and construction diligently pursued. An approved final development plan may specify a development staging program exceeding 2 years.

#### B. Renewal

1. The City Planning Commission may renew a final development plan for one year subject to a reevaluation of conditions of approval as specified in the decision or renewal application, if it finds the renewal consistent with the purposes of this Section.
2. Application for renewal must be made in writing to the Director of Community Development and Planning not less than 30 days nor more than 120 days prior to expiration.

#### C. Reversion to Prior Zoning

If a building permit has not been issued and construction diligently pursued, or a renewal approved within two years of the effective date of approval by the City Planning Commission, the PD District designation is to be removed from the zoning map and the zoning of the PD District revert to the zoning district designation in effect immediately before the PD designation.

### 1703-8.13. Final Development Plan Amendments

Final development plans may be amended as follows:

#### A. Minor Amendments

1. The City Planning Commission may authorize minor adjustments in the final development plan that become necessary because of

field conditions, detailed engineering data, topography or critical design criteria. More specifically, the City Planning Commission may authorize the Community Development and Planning Director to approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations.

2. The Community Development and Planning Director may also authorize structural dimensional changes provided that they do not increase building heights by more than 15 feet, gross floor area by more than 5%, decrease the number of parking spaces by more than ten percent or allow buildings closer to perimeter property lines.

#### B. Major Amendments

1. Amendments to any final development plan other than a minor amendment may be approved only by the City Planning Commission, provided, however, that the City Planning Commission determines that such adjustments do not substantially alter the concept or intent of the approved final development plan.
2. Amendments that change the uses ~~allowed~~ **permitted** or materially change the density of the development require approval of Council as a zoning map amendment.

### 1703-8.14. Delegation of Duties

The Director may designate a person to perform the duties imposed on the director by this chapter if the Director would have a conflict of interest or appearance thereof or if such appointment is necessary for the efficient operation of the department.



## Sec. 1703-9. Allowed Permitted Uses & Use Standards

### 1703-9.1. Classification of **Allowed Permitted** Uses

- A. Permitted uses are listed in Sec. 1703-9.3. The following symbols are used, and have the meaning assigned below:

#### 1. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this LDC.

#### 2. Limited Use (L)

Indicates a use is permitted in the respective district, subject to a use standard found ~~in the right-hand column of the~~ with a corresponding number after each use table. The use is also subject to all other applicable requirements of this LDC.

#### 3. Conditional Use (C)

Indicates a use may be permitted in the respective district only where approved ~~by~~ in accordance with Sec. 1751-2. Conditional uses are subject to all other applicable requirements of this LDC, including any applicable use standards.

#### 4. Use Not Permitted (--)

Indicates that a use is not permitted in the respective district.

- B. Uses not listed as permitted, ~~accessory limited~~ or conditional are prohibited from the applicable zoning district.

### 1703-9.2. Uses Not Listed

#### A. Generally

It is not possible for a list of permitted uses to capture every possible use that could be established. The City will occasionally receive an application for approval of a use that is not expressly listed in the use table.

#### B. Materially Similar Uses

1. If a particular use is not listed in the use table, the Director will determine if a proposed use is similar to a listed use.
2. If the Director determines that a proposed use is similar to a listed use, the regulations governing that use apply to the particular use not listed. The Director may consider the following in deciding whether a use is similar:
  - a. Whether the proposed use is consistent with the Comprehensive Plan and the zoning district purposes.
  - b. Whether the use has similar impacts on the neighborhood, such as traffic, noise, lighting, or similar considerations.
  - c. Whether the unlisted use has the same characteristics as a listed use in terms of building and site arrangement, site area or floor space, equipment devoted to the activity, customer type, number of employees in each activity, hours of operation, vehicles used and parking requirements, number of vehicle trips generated, signs, and how the use is advertised.
3. The Director may record a decision about whether a use is similar to an unlisted use in writing.
4. If the Director determines that a similar use does not exist, the applicant has the following options:
  - a. Request a text amendment to establish a specific listing for the use in question. Refer to the text amendment procedures in Chapter 111 of the Municipal Code. If the City Council declines to approve a text amendment, the use is not permitted.
  - b. Request a Use Variance (see §1708-4). If the use variance is approved, the use is treated as a permitted use. If it is denied, the use is prohibited.

## 1703-9.3. Allowed Residential Use Table & Use Standards

	SF-20	SF-10	SF-6	SF-4	SF-2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF-C	RF-M	IR	PR	DD-A	DD-B	DD-C	DD-D
<b>Residential</b>																									
<b>Household Living:</b>																									
Single-family <del>detached</del> -dwelling	P	P	P	P	P	P	P	P	P	P	P	--	--	L <sup>1</sup>	P	--	P	--	--	P	--	P	P	P	P
<del>Single-family</del> -Dwelling, attached	<del>L</del> --	<del>L</del> --	<del>L</del> --	<del>L</del> --	L <sup>2</sup>	<del>P</del> L <sup>2</sup>	<del>P</del> L <sup>2</sup>	<del>P</del> L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>3</sup>	<del>P</del> --	--	<del>P</del> L <sup>2</sup>	--	--	P	--	P	P	P	P
Two-family dwelling	--	--	--	--	--	P	P	P	P	P	P	--	--	L <sup>4</sup>	--	--	P	--	--	P	--	P	P	P	P
Three-family dwelling	--	--	--	--	--	P	P	P	P	P	P	P	--	L <sup>5</sup>	--	--	P	--	--	P	--	P	P	P	P
<del>Four-family</del> dwelling	--	--	--	--	--	P	P	P	P	P	P	P	--	L <sup>6</sup>	--	--	P	--	--	P	--	P	P	P	P
<del>Rowhouse</del> dwelling	--	--	--	--	--	P	P	P	P	P	P	P	P	L	--	--	P	--	--	P	--	P	P	P	P
Multi-family dwelling	--	--	--	--	--	--	P	P	P	P	P	P	P	L <sup>6</sup>	--	--	P	--	--	P	--	P	P	P	P
<del>Loft dwelling</del> Live/work unit	--	--	--	--	--	--	--	--	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	C	--	L <sup>8</sup>	C	L <sup>7</sup>	--	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>
<b>Group Living: Congre- gate Housing:</b>																									
Group residential, <del>congregate housing</del> - Student Dwelling	--	--	--	--	--	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	--	--	L <sup>9</sup>	--	L <sup>9</sup>	--	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>
Group residential, <del>Convent and Monastery</del>	C	C	C	C	C	P	P	P	P	P	P	P	P	P	--	--	--	--	--	P	--	P	P	P	P
Group residential, Fraternity or Sorority House <del>dormitory</del>	--	--	--	--	--	--	<del>P</del> C	P	P	P	P	P	P	--	--	--	--	--	--	P	--	P	P	P	P
<del>Dormitory</del>	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	--	P	--	P	P	P	P
Group residential, patient- family home	--	--	--	--	--	--	P	P	P	--	P	P	--	P	--	--	--	--	--	P	--	P	P	P	P
Group residential, <del>Rooming house</del>	--	--	--	--	--	--	--	L <sup>11</sup>	--	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	--	L <sup>11</sup>	--	--	--	--	--	L <sup>10</sup>	--	L <sup>10</sup>	L <sup>10</sup>	L <sup>10</sup>	L <sup>10</sup>
Group residential, Shared Housing for Elderly	--	--	--	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	P	P	P	P	--	P	P	--	--	--	--	P	--	P	P	P	P
<b>Medical Assistance Housing:</b>																									
Patient family home	--	--	--	--	--	--	P	P	P	P	P	P	--	P	--	--	--	--	--	P	--	P	P	P	P
Residential care facility, Assisted Living	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	--	--	--	--	P	--	--	P	--	--
Residential care facility, <del>Life Care or Continuing Care Services</del> Residential Care Facility	--	--	--	--	--	--	--	--	P	P	P	P	--	P	--	--	--	--	--	P	--	P	P	P	P
Residential care facility, Developmental Disability Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	P	--	P	P	P	P
Residential care facility, Nursing Home	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	--	--	--	--	P	--	--	P	P	--

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

	SF-20	SF-10	SF-6	SF-4	SF-2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF-C	RF-M	IR	PR	DD-A	DD-B	DD-C	DD-D
Residential care facility, special assistance shelter	--	--	--	--	--	--	--	€	--	--	--	€	€	--	--	--	--	--	--	--	--	€	€	€	€
<b>Social Service Housing:</b>																									
<u>Special assistance shelter</u>	--	--	--	--	--	--	--	C	--	--	--	C	C	--	--	--	--	--	--	--	--	C	C	C	C
<u>Transitional supportive housing</u>	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
<u>Permanent supportive housing</u>	--	--	--	--	--	--	C	C	C	C	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
<u>Halfway house; Reentry center; Community residential center</u>	--	--	--	--	--	--	--	--	--	--	--	C	P	C	--	P	--	--	--	C	--	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>
Social assistance, welfare, and charitable services	--	--	--	--	--	--	--	€	€	--	€	P	P	P	--	P	--	--	--	--	--	P	P	P	P
Transitional housing, Program 1	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
Transitional housing, program 2	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
Transitional housing, program 3	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
Transitional housing, program 4	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	P
Transitional housing, program 5	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	--	--	--	€	--	P	P	P	P
Transitional housing, program 6	--	--	--	--	--	--	--	--	--	--	--	€	P	€	--	P	--	--	--	€	--	€	€	€	€

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Household Living

### Single-Family Dwelling

#### L1. **IX**

Permitted only if adjacent to existing single or two-family residential and the lot size is greater than or equal to 10,000 SF. A lot less than 10,000 SF requires a Conditional Use approval.

### Attached Dwelling

#### L2. **SF-20, SF-10, SF-6, SF-4, SF-2, RM-L, RM-M, RM-, RX, PX, NX, CX, CG, IX, RF-R**

- a. **Purpose.** This subsection provides for efficient and economical development and housing opportunities in single-

family zones while protecting natural open space, ecological, topographical and historic features that may exist on the site from damage that might occur from traditional zoning and subdivision regulations. These regulations ~~to~~ provide more flexible development parameters with no detriment to neighboring properties by including minimum open space and design requirements.

- b. **Uses.** A development that includes single-family attached dwellings may also include detached single-family dwellings. Detached single-family dwellings that are subject to this

subsection are not subject to minimum lot size requirements, but must comply with all other standards in this subsection.

- c. **Ownership.** At the time of application, the site may consist of more than one parcel, but all parcels must be contiguous and under single ownership.
  - d. **Division of Parcels.** The site may be further subdivided after final subdivision plat approval, including the provision of interior streets
  - e. **Site Density.** The site density equals the underlying minimum lot area for each dwelling unit of the district in which the development is located. At the time of application, if the development is divided by a pre-existing public street or right-of-way, the density must be divided proportionally on each side of the street.
  - f. **Minimum Setback.** ~~The minimum required setbacks of the zoning district do not apply to the development sites or individual buildings or structures on the development site. The minimum interior side interior and side total setback requirements shall be waived for attached dwelling, provided the property owner submits sufficient documentation establishing the presence of fire resistive separation barrier from adjacent connected structures.~~
  - g. **Frontage.** The cluster housing development site must have a minimum of 25 feet of frontage on a street. Individual lots within the development are not required to front on a street
  - h. **Minimum Open Space.** At least 10% of the total development site must consist of open space. Open space
- excludes impervious surface areas such as buildings, paved areas and detention/retention areas.
- i. **Signs.** One non-illuminated or indirectly illuminated ground sign, up to 12 square feet, is permitted for each development site. Other signs may be installed as permitted by the zoning district regulations.
  - j. **Streets.** Streets, sidewalks and common ways must comply with Chapter 721 of the Municipal Code.
  - k. **Separate Lots Not Required.** Buildings are not required to be on a separate lot.
  - l. **Covenants.** Prior to the issuance of a certificate of occupancy for any building within a cluster housing development, the owner of the cluster housing development must provide a covenant in a form acceptable to the City Solicitor to be recorded promising that the buffer yard, walks, drives and open space as shown on the plan will not be used for any other purpose. The owner must further covenant that all streets, buffer yards, common areas, common utilities and other common facilities will remain in common ownership by all owners of any interest in the land or buildings in the cluster housing development site. See Sec. 1751-1.
  - m. **Site Divided by Zoning Line.** Where a development site is divided by a zoning district boundary line, the maximum number of dwelling units is the sum of the number of dwelling units permitted in each district by the applicable lot area for every dwelling unit requirements. However, the units may be located in either district.

**L3. IX**

Permitted only if adjacent to existing single, two, three, or four-family residential use and must meet all standards in L2.

### **Two-Family Dwelling**

**L4. IX**

Permitted only if adjacent to existing single or two-family residential and the lot size is greater than or equal to 10,000 SF. A lot less than 10,000 SF requires a Conditional Use approval.

### **Three-Family Dwelling**

**L5. IX**

~~Allowed~~ Permitted only in the upper stories of a mixed use building. A lobby or other entrance is ~~Allowed~~ permitted on the ground floor.

### **Four-Family Dwelling, Multi-Family Dwelling**

**L6. IX**

Permitted only in the upper stories of a mixed use building. A lobby or other entrance is permitted on the ground floor.

### **Loft Dwelling-Live/Work Unit**

**L7. Any District Where Permitted**

- a. A ~~loft dwelling live/work~~ unit established on the first floor requires conditional use approval (see Chapter 1751).
- b. A ~~loft dwelling-live/work~~ unit ~~may~~ contain a studio, gallery, office, business or other use as permitted by the applicable zoning district regulations.

**L8. RX, ~~PX~~, NX, CX, ~~CG~~, IX, IH, ~~RF-C~~, ~~RF-M~~**

- a. Must meet all standards in L7 and the loft dwelling unit's owner shall provide a statement of disclosure to all buyers and tenants acknowledging the commercial and manufacturing

character of the district and accepting the potential for uses in the area to result in off-site impacts at higher levels than are expected in residential areas. Occupancy of these units is at the risk of the owner/occupant.

- b. If applicable, the resident owner of the commercial establishment is responsible for the commercial use on the premises and is subject to a valid business license, associated with the premises and based on the commercial activity conducted therein.

### **Congregate Housing**

#### **Student Dwellings**

**L9. Any District Where Permitted**

- a. Off-street parking shall be provided on the lot containing the student dwelling, or public off-street parking shall be available to the occupants of the student dwelling, for not less than 50% of the students occupying the student dwelling. Any public off-site parking shall be within four hundred feet (400') of the student dwelling, measured as the shortest distance from the lot on which the student dwelling is located to the lot line of the available off-site parking.
- b. No furniture, appliances, alcoholic beverage dispensers, or any other object or item not customarily located outside of a residential dwelling shall be located or stored outside of the student dwelling. The location of any such object or item or the storage thereof on a lot containing a student dwelling shall constitute illegal outdoor storage in violation of the LDC.



- c. Student dwellings shall be occupied in strict accordance with all applicable laws, ordinances, and regulations, including, but not limited to, all applicable fire and safety codes. In the event that a student dwelling is not so occupied, then use of a lot for a student dwelling shall be prohibited and the use shall be immediately discontinued.

## Rooming House

### L10. Any District Where Permitted

- a. Rooming houses must be licensed pursuant to Chapter 855 of the Municipal Code.
- b. Each rooming unit within a rooming house may be occupied by only 1 person if the unit is less than 100 square feet in floor area, and by no more than 2 persons if larger than 100 square feet in floor area.
- c. The minimum rental is 7 days.

### L11. RM-H, ~~PX~~, ~~NX~~, ~~CX~~, ~~CG~~, IX

- i. Must meet all standards in L10
- ii. Maximum 5 rooming units per building.

## Shared Housing for the Elderly

### L12. SF-4, SF-2, ~~RMX~~ ~~RM-L~~, RM-M, RM-H

- a. The minimum living area for every resident is 250 square feet.

## Social Service Housing

### Transitional housing, Program 6 Halfway House

### L13. DD-

Maximum 50 resident occupants.

## 1703-9.4. Commercial/Services Use Table & Use Standards

	SF-20	SF-10	SF- 6	SF- 4	SF- 2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF- C	RF- M	IR	PR	DD-A	DD-B	DD-C	DD-D	
Commercial/Services																										
Retail Commercial:																										
Animal services	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>1</sup>	<u>L</u> <sup>1</sup>	<u>L</u> <sup>1</sup>	<u>L</u> <sup>2</sup>	<u>L</u> <sup>2</sup>	--	--	--	--	--	--	--	--	C	C	--	
Alternative financial services	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	--	--	--	--	--	--	--	--	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>	
Bank/financial services	--	--	--	--	--	--	--	--	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>5</sup>	P	P	P	--	--	--	--	--	--	--	P	P	P	P	
Building material sales and services	--	--	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>6</sup>	<u>L</u> <sup>6</sup>	<u>L</u> <sup>6</sup>	--	P	--	--	--	--	--	--	--	--	--	
Commercial and industrial machinery and equipment rental and leasing	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	--	--	--	--	--	--	--	--	--	
Car wash	--	--	--	--	--	--	--	--	--	--	--	C	<u>L</u> <sup>7</sup>	--	--	--	--	--	--	--	--	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	
Consumer goods rental/general rental centers	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>9</sup>	<u>L</u> <sup>9</sup>	P	P	--	--	--	--	--	--	--	--	P	P	P	P	
Convenience store without fuel sales	--	--	--	--	--	--	--	<u>L</u> <sup>10</sup>	<u>L</u> <sup>10</sup>	<u>L</u> <sup>11</sup>	P	P	P	P	--	--	C	P	--	--	--	P	P	P	P	
Convenience store with fuel sales	--	--	--	--	--	--	--	--	--	--	C	<u>L</u> <sup>12</sup>	<u>L</u> <sup>12</sup>	<u>L</u> <sup>12</sup>	--	--	--	--	--	--	--	--	--	--	--	
Eating or drinking establishment	--	--	--	--	--	--	--	--	<u>L</u> <sup>13</sup>	<u>L</u> <sup>14</sup>	P	P	P	<u>L</u> <sup>15</sup>	--	--	<u>L</u> <sup>15</sup>	<u>L</u> <sup>15</sup>	--	--	C	P	P	P	P	
Food market	--	--	--	--	--	<u>L</u> <sup>17</sup>	<u>L</u> <sup>18</sup>	<u>L</u> <sup>18</sup>	<u>L</u> <sup>19</sup>	<u>L</u> <sup>20</sup>	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	--	--	C	P	--	--	--	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	<u>L</u> <sup>16</sup>	
Food preparation	--	--	--	--	--	--	--	--	<u>L</u> <sup>21</sup>	<u>L</u> <sup>22</sup>	P	P	P	P	P	--	--	--	--	--	--	P	P	P	P	
Fuel sales	--	--	--	--	--	--	--	--	--	--	C	<u>L</u> <sup>23</sup>	<u>L</u> <sup>23</sup>	<u>L</u> <sup>23</sup>	--	--	--	--	--	--	--	--	--	--	--	
Garden supply, nursery	--	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>24</sup>	<u>L</u> <sup>24</sup>	<u>L</u> <sup>24</sup>	<u>L</u> <sup>24</sup>	<u>L</u> <sup>25</sup>	--	<u>L</u> <sup>24</sup>	<u>L</u> <sup>24</sup>	<u>L</u> <sup>24</sup>	--	--	--	--	--		
Laboratories, commercial	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>26</sup>	<u>L</u> <sup>26</sup>	P	P	P	--	<u>L</u> <sup>27</sup>	--	--	--	P	--	<u>L</u> <sup>27</sup>	--	<u>L</u> <sup>27</sup>	<u>L</u> <sup>27</sup>	
Market shop/open market	--	--	--	--	--	--	--	--	--	P	P	P	P	P	<u>L</u> <sup>28</sup>	--	--	P	P	--	P	P	P	P	P	
Nonstore retailers	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	--	P	P	P	P	
Office, general	--	--	--	--	--	--	--	<u>L</u> <sup>28</sup>	<u>L</u> <sup>28</sup>	<u>L</u> <sup>29</sup>	<u>L</u> <sup>29</sup>	P	P	P	P	--	--	P	--	P	--	<u>L</u> <sup>30</sup>	P	<u>L</u> <sup>30</sup>	<u>L</u> <sup>30</sup>	
Retail, general	--	--	--	--	--	--	--	<u>L</u> <sup>32</sup>	<u>L</u> <sup>32</sup>	<u>L</u> <sup>33</sup>	P	P	P	P	--	--	--	<u>L</u> <sup>34</sup>	--	--	--	<u>L</u> <sup>31</sup>	<u>L</u> <sup>35</sup>	<u>L</u> <sup>31</sup>	<u>L</u> <sup>31</sup>	
Sexually oriented business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>36</sup>	--	--	--	--	--	--	--	--	--	
Vehicle and equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	<u>L</u> <sup>37</sup>	--	--	--	--	--	<u>L</u> <sup>37</sup>	--	<u>L</u> <sup>37</sup>	--	
Services:																										
Building maintenance services	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	--	--	--	P	--	
Business services	--	--	--	--	--	--	--	<u>L</u> <sup>38</sup>	<u>L</u> <sup>38</sup>	<u>L</u> <sup>39</sup>	<u>L</u> <sup>39</sup>	P	P	P	--	--										
Commercial meeting facility	--	--	--	--	--	--	--	--	<u>L</u> <sup>40</sup>	<u>L</u> <sup>41</sup>	P	P	P	P	--	--	--	P	--	--	--	--	<u>L</u> <sup>42</sup>	<u>L</u> <sup>42</sup>	<u>L</u> <sup>42</sup>	<u>L</u> <sup>42</sup>
Funeral and interment services	--	--	--	--	--	--	--	<u>L</u> <sup>43</sup>	<u>L</u> <sup>43</sup>	C	P	P	P	P	--	--	--	--	--	--	<u>L</u> <sup>44</sup>	--	--	P	--	
Maintenance and repair services	--	--	--	--	--	--	--	--	<u>L</u> <sup>45</sup>	<u>L</u> <sup>45</sup>	<u>L</u> <sup>46</sup>	P	P	P	P	<u>L</u> <sup>46</sup>	--	--	--	--	--	P	P	P	P	

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

	SF-20	SF-10	SF- 6	SF- 4	SF- 2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF- C	RF- M	IR	PR	DD-A	DD-B	DD-C	DD-D
Personal instructional services	--	--	--	--	--	--	--	<u>L</u> <sup>47</sup>	<u>L</u> <sup>47</sup>	<u>L</u> <sup>47</sup>	<u>L</u> <sup>48</sup>	P	P	P	P	--	--	--	--	--	P	P	P	P	
Personal services	--	--	--	--	--	--	--	<u>L</u> <sup>50</sup>	<u>L</u> <sup>50</sup>	<u>L</u> <sup>51</sup>	<u>L</u> <sup>49</sup>	<u>L</u> <sup>49</sup>	<u>L</u> <sup>49</sup>	<u>L</u> <sup>49</sup>	--	--	--	<u>L</u> <sup>52</sup>	--	--	--	<u>L</u> <sup>49</sup>	<u>L</u> <sup>53</sup>	<u>L</u> <sup>49</sup>	<u>L</u> <sup>49</sup>
Social assistance, welfare, and charitable services	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	P	--	--	--	--	--	P	P	P	P
Vehicle repair	--	--	--	--	--	--	--	--	--	--	--	C	<u>L</u> <sup>54</sup>	<u>L</u> <sup>54</sup>	--	<u>L</u> <sup>54</sup>	--	--	--	--	--	--	--	<u>L</u> <sup>55</sup>	--
Day Care:																									
Day care center	--	--	--	--	--	--	C	C	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	--	C	<u>L</u> <sup>56</sup>	--	<u>L</u> <sup>56</sup>	--	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>	<u>L</u> <sup>56</sup>
Lodging:																									
Bed and breakfast	--	C	C	C	C	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	--	--	--	<u>L</u> <sup>57</sup>	--	<u>L</u> <sup>57</sup>	--	--	<u>L</u> <sup>57</sup>	--	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>	<u>L</u> <sup>57</sup>
Hotel	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	<u>L</u> <sup>58</sup>	<u>L</u> <sup>58</sup>	--	--	--	P	P	--	P

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Retail/Commercial

### Animal Services

#### L1. CX, NX, PX

- All animal services and operations must be contained within a structure constructed according to the limitations of this section with no exterior exercise areas, yards, pens or storage areas.
- No part of any structure located within 100 feet of a residential district line may be used for animal services.
- The facility may not be used for the boarding of animals, except as needed for treatment and recovery.
- The floor area of the use cannot exceed 2,500 square feet of gross floor area.
- There may be no openings in the walls or roof of any portion of the structures used for the facility unless such openings are stationary windows or required means of egress.
- The facility must be provided with mechanical ventilation with continual filtration of all exhaust air.

#### L2. CG, IX

Outdoor exercise areas, yards or pens must be 100 feet from any residential district.

### Alternative Financial Services

#### L3. PX, NX, CX, CG, DD

- Purpose.** These standards regulate the location of check-cashing businesses, and certain businesses that make short-term loans, small loans and mortgage loans, to protect neighborhoods from negative secondary effects created by the concentration or clustering of those businesses. These regulations do not affect lending practices, interest rates, are any other matters regulated by ORC 1.63 or Title 13.
- Applicability.** These standards apply to any "Alternative Financial Service," which includes any of the following use sub-categories:
  - » **Bail Bond Service.** An establishment which provides sureties to procure the release of

persons under arrest by becoming responsible for their appearance at the time and place designated.

- » **Check-Cashing Business.** Any business that is licensed, or is required to be licensed to cash checks under ORC 1315.21 through 1315.30;
  - » **Currency Exchange Outlet.** Any business or organization that is engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee.
  - » **Pawnbroker.** See ORC § 4727.01.
  - » **Short-Term Loan Lender.** Any business that is licensed, or is required to be licensed to make short term loans under ORC 1321.35 through 1321.48;
  - » **Small Loan Lender.** Any business that is licensed, or is required to be licensed to make small loans under ORC 1321.01 to 1321.19; and
- c. Exemptions.** This subsection does apply to any bank, savings and loan, credit union or similar financial institution that is not licensed under, required to be licensed under, or otherwise regulated by the state laws cited in these standards.
- d. Location.** Within 2,700 feet of any casino site, no Alternative Financial Service shall be established (measured in a straight line from the building in which the Alternative Financial service is located):
- » Within 300 feet of a casino site or a lot containing an existing Alternative Financial Service, and

- » Within the same building or on the same lot as another Alternative Financial Service, and
- » Within 1,000 feet from any residential district, and
- » within 500 feet from any residential use in a DD- district.

- e. Security Devices.** The establishment does not use bars, chains or similar security devices that are visible from the public street or sidewalk.
- f. Existing Businesses.** This section does not apply to any Alternative Financial Service as defined above currently in operation prior to passage of this section.

## Bank/Financial Services

### L4. RX, PX

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.

### L5. NX

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

## Building Materials Sales and Services

### L6. CX, CG, IX

Outside storage must be screened with an 8 foot privacy fence.

## Car Wash

### L7. Any District Where Permitted

- a. **Location.** Permitted on arterial streets only.

- b. **Setbacks.** No building or structure may be located within 20 feet of any street lot line.
- c. **Queue Area.** Each facility must provide sufficient queue area in advance of the car wash area to accommodate 2 vehicles in advance of a self-service bay and 6 vehicles in advance of an automatic service bay.
- d. **Litter.** One permanent trash receptacle per wash bay is required.
- e. **Noise.** Sound baffles to absorb noise must be installed at all facilities creating noise levels above 70 decibels at the property line.

#### **L8. DD**

Permitted only within a parking garage.

### **Consumer Goods Rental/ General Rental Centers**

#### **L9. PX, NX**

Permitted by right up to 45,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

### **Convenience Store without Fuel Sales**

#### **L10. RM-H, ~~RX~~, PX**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

#### **L11. NX**

Permitted by right up to 45,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

### **Convenience Store with Fuel Sales**

#### **L12. Any District Where Permitted**

- a. Fuel dispensing units must be located at least 50 feet from any residential district property line, and 15 feet from any other property line.
- b. Canopies covering fuel dispensing area must **only** be located **in a front or side yard and** at least 5 feet from all property lines, and cannot be located between buildings and adjacent streets.
- c. All exterior light sources must be stationary and shielded, or recessed within the roof canopy, and directed away from adjacent residential districts and public rights-of-way.
- d. All service areas, trash storage areas and mechanical equipment must be screened from ground-level view from adjacent properties and public rights-of-way. A 6-foot tall wall or fence must be provided along all residential district boundary lines.
- e. At least one permanent trash receptacle must be installed at each pump island.

### **Eating or Drinking Establishment**

#### **L13. ~~RX~~ PX**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.



**L14. NX**

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

**L15. RF-R, RF-C**

Permitted in marinas and boatyards. Otherwise a conditional use approval is required (see Chapter 1751).

**Food Market****L16. Any District Where Permitted**

Any convenience market or commissary within 2,700 feet of a casino site, in addition to any standards established above for a food market:

- a. Shall be located at least 100 feet from the boundary of any residential district. If the convenience market or commissary occupies a multiple use building, this distance is measured from any space leased or occupied by the convenience market or commissary, and
- b. Must occupy less than 3,000 square feet or the maximum square footage in the applicable zoning district, whichever is less.

**L17. RM-M**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. Must be located in a structure with at least 50 dwelling units, and have no more than 1,200 square feet of gross floor area.
- c. The use must meet all standards in L16.

**L18. RM-H, RX**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and

- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.
- d. The use must meet all standards in L16.

**L19. ~~PX~~**

- a. Permitted on ground floor occupying less than 2,500 sf, more space requires a conditional use (see Chapter 1751).
- b. The use must meet all standards in L16.

**L20. NX**

- a. Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).
- b. The use must meet all standards in L16.

**Food Preparation****L21. ~~RX~~~~PX~~**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.

**L22. NX**

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

**Fuel Sales****L23. Any District Where Permitted**

- a. Fuel dispensing units must be located at least 50 feet from any residential district property line, and 15 feet from any other property line.

- b. Canopies covering fuel dispensing area must be located at least 5 feet from all property lines, and cannot be located between buildings and adjacent streets.
- c. All exterior light sources must be stationary and shielded, or recessed within the roof canopy, and directed away from adjacent residential districts and public rights-of-way.
- d. All service areas, trash storage areas and mechanical equipment must be screened from ground-level view from adjacent properties and public rights-of-way. A 6-foot tall wall or fence must be provided along all residential district boundary lines.
- e. At least one permanent trash receptacle must be installed at each pump island.
- f. Permitted only if accessory to a use permitted in the district.

### **Garden Supply, Nursery**

#### **L24. ~~NX~~, CX, CG, IX, ~~RF-R~~, ~~RF-C~~, ~~RF-M~~**

Outside storage must be screened with an 8 foot privacy fence.

#### **L25. IA**

The use cannot exceed ~~5,000~~ 10,000 square feet of site area.

### **Laboratories, Commercial**

#### **L26. ~~PX~~, ~~NX~~**

Permitted by right up to ~~4~~5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

#### **L27. DD-A, DD-C, DD-D**

Not permitted as a principal ground floor use in locations indicated in Sec. 1703-7.8.

### **Offices, General**

#### **L28. RM-H, RX**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

#### **L29. ~~PX~~, NX**

Permitted by right up to ~~4~~5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

#### **L30. DD-A, DD-C, DD-D**

Not permitted as a principal ground floor use in locations indicated in Sec. 1703-7.8.

### **Retail, General**

#### **L31. Any District Where Permitted**

The following uses that are located within 2,700 feet of a casino site must be at least 100 feet from the boundary of any residential district, and at least 50 feet from any residential use in a DD district:

- a. Jewelry, gold and precious metals stores (whether purchasing or selling)
- b. Video stores
- c. Gifts and novelties stores
- d. Tobacco stores
- e. Liquor and package stores.

#### **L32. RM-H, ~~RX~~ ~~PX~~**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and

- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.
- d. The use must meet all standards in L31.

#### **L33. NX**

Permitted by right up to 5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751). The use must meet all standards in L31.

#### **L34. RF-C**

Must involve retail sales of products incidental to a permitted principal use in the district and gross floor area of retail sales is limited to 5,000 square feet. The use must meet all standards in L31.

#### **L35. DD-B**

Permitted on the ground floor only. The use must meet all standards in L31.

### **Sexually Oriented Business**

#### **L36. IH**

##### **a. License.**

These establishments are licensed by the City in compliance with the provisions of Chapter 899 of the Municipal Code.

##### **b. Location.**

- i. The minimum distance from a residential district boundary is 1,000 feet.
- ii. The minimum distance from every other licensed sexually oriented businesses is 1,000 feet.
- iii. The minimum distance from schools, public or private; religious assembly; public library; parks and recreation facilities; hotel; day care

center; or any place licensed for the sale of beer or intoxicating liquor for consumption on the premises is 1,000 feet.

#### **d. Approval**

- i. The Director must only consider the proximity standards specified above in determining whether to approve a sexually oriented business.
- ii. The determination must be made without a public hearing being held and must be made within 10 days of the receipt of a complete application for a Certificate of Compliance.
- iii. No person, other than an applicant who has been denied a Certificate of Compliance, may appeal a decision of the director on an application for a Certification of Compliance for a sexually oriented business to the Zoning Board of Appeals.
- iv. Any appeal to the Zoning Board of Appeals must be heard and determined within 30 days of the filing of the notice of appeal.
- v. Further appeal is to a court of competent jurisdiction as provided by law. Unless the solicitor obtains an injunctive order restraining the opening and operation of a sexually oriented business, an applicant may open and operate a sexually oriented business 30 days after the filing of a notice of appeal to a court of competent jurisdiction pending final resolution of the appeal.

## Vehicle and Equipment Sales and Rental

### L37. DD-A, DD-C

Permitted only within a parking garage.

## Services

### Business Services

#### L38. RM-H, RX

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

#### L39. ~~PX~~, NX

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

## Commercial Meeting Facility

#### L40. ~~PX~~ ~~RX~~

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.

#### L41. NX

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

#### L42. DD

Not permitted as a principal ground floor use in locations indicated in Sec. 1703-7.8.

## Funeral and Interment Services

### L43. RM-H

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

### L44. PR

Permitted only as an accessory use to an existing cemetery.

## Maintenance and Repair Services

### L45. RX, ~~PX~~

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.

### L46. NX

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

## Personal Instructional Services

### L47. RM-H, RX, ~~PX~~

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

**L48. NX**

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

**Personal Services****L49. Any District Where Permitted**

Any "massage establishment" as defined in CMC 897-1-M-1, and that is located within 2,700 feet of a casino site, shall:

- a. Maintain hours of operation no earlier than 8:00 a.m. or later than 10:00 p.m.,
- b. Not provide food or beverages for sale to customers or the general public, and
- c. Be located at least 300 feet from a residential district boundary.

These requirements do not apply to: (1) licensed physicians, surgeons, chiropractors, physical therapists or osteopaths where the massage is performed by the those licensed professionals and/or by a staff member of those licensed professionals in the course of treatment prescribed by said professional and only when the professional is present on the premises, or (2) persons certified to perform acupuncture or oriental medicine by ORC 4762.02 acting within the scope of their certification, (3) registered or certified health care professionals as defined by ORC 1.64 acting within the scope of their license, (4) hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the state of Ohio, or (5) barbers, beauticians and manicurists who are duly licensed by the state of Ohio while engaging in the practice within the scope of their license, except that this exemption applies solely to the massaging of the neck, face and/or scalp of the customer or client of the barber or beautician or in the case of a licensed manicurist, the massaging of

the forearm, hands, calves and/or feet, (6) accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment, or (7) trainers of amateur, semi-professional or professional athletes or athletic teams.

**L50. RM-H, RX**

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.
- d. The use must meet all standards in L49.

**L51. NX**

Permitted by right up to +5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751). The use must meet all standards in L49.

**L52. RF-C**

Must involve repair of products incidental to a principal use permitted in the district and gross floor area is limited to 5,000 square feet. The use must meet all standards in L49.

**L53. DD-B**

Permitted on the ground floor only. The use must meet all standards in L49.

**Vehicle Repair****L54. Any District Where Permitted**

- a. **Location.** The repair area must be located within an enclosed structure.



- b. **Hazardous Materials.** All automotive fluids must be recycled or removed according to local, state and federal standards.
- c. **Outdoor Storage.** Any space for the storage of vehicles awaiting repair must be screened on all sides and completely enclosed within an 8-foot screen fence which is protected by a guardrail or other barriers approved by the Director. Electrical, barbed and razor wire fences are an accessory conditional use (see Chapter 1751). Vehicles may not be stored on the lot for more than 60 days.
- d. **Indoor Storage.** Used or discarded automotive parts or equipment or permanently disabled or junked vehicles must be stored inside a building.
- e. **Building Openings.** There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.

#### **L55. DD-C**

The entire use and storage must be located within an enclosed structure.

### **Day Care Center**

#### **L56. Any District Where Permitted**

Outdoor play areas must be located in the rear yard, and be enclosed by a fence or wall of at least 4 feet in height.

### **Lodging**

#### **Bed and Breakfast**

#### **L57. Any District Where Permitted**

- a. **Number of Rooms.** No more than 5 rooms for rent are ~~allowed~~ permitted.

- b. **Appearance.** In residential districts, the building must maintain a residential character on the exterior.
- c. **Business License Required.** A current business license must be obtained and posted in compliance with Chapter 855 of the municipal code.
- d. **Limitation on Services Provided.** Meals and rental of bedrooms are limited to registered guests. Separate or additional kitchens for guests are prohibited.

### **Hotel**

#### **L58. RF-R, RF-C**

Permitted in marinas and boatyards. Otherwise a conditional use approval is required (see Chapter 1751).

## 1703-9.5. Industry, Manufacturing & Processing Use Table & Use Standards

	SF-20	SF-10	SF-6	SF-4	SF-2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF-C	RF-M	IR	PR	DD-A	DD-B	DD-C	DD-D
<b>Industry, Manufacturing and Processing</b>																									
<b>Production:</b>																									
<u>Craft breweries, wineries, or distilleries</u>	--	--	--	--	--	--	--	--	--	L <sup>2</sup>	L <sup>3</sup>	L <sup>4</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>4</sup>	L <sup>1</sup>	--	L <sup>4</sup>	L <sup>1</sup>	--	--	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>
Data processing, hosting, and related services (including data centers)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--P	--	--P	--P	P	--	P	P	P	P
Media production	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	--	P	P	P	P
Production, artisan	--	--	--	--	--	--	--	--	--	L <sup>5</sup>	L <sup>6</sup>	P	P	P	P	P	C	P	--	--	--	--	--	P	P
Production, general	--	--	--	--	--	--	--	--	--	--	--	--	--	--C	--	P	--	L <sup>7</sup>	L <sup>8</sup>	--	--	--	--	P	--
Production, intensive high impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	L <sup>9</sup>	--	--	--	--	--	--
Production, limited	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	L <sup>10</sup>	L <sup>11</sup>	--	--	P	P	P	P
Research and development	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--P	P	P	--P	P	--	--	--	C	--
<b>Storage and Warehouse:</b>																									
Contractor storage	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>12</sup>	C	--	P	--	--P	--P	--	--	--	--	--	--
Indoor storage	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--P	P	--	P	P	--	--	--	--	P	--
Oil and gas storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	--	--	--	--	--
Outdoor storage	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>13</sup>	L <sup>13</sup>	--	L <sup>13</sup>	--	L <sup>13</sup>	L <sup>13</sup>	--	--	--	--	--	--
Personal storage/mini-warehouse	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	P	--	--	--	--	--	--	--	--	--
Wholesale and distribution	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	L <sup>14</sup>	L <sup>14</sup>	--	--	--	--	P	--
<b>Waste-Related:</b>																									
Metal waste salvage yard/junk yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>1</sup>	--	--	C <sup>1</sup>	--	--	--	--	--	--
Waste management, waste collection	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>1</sup>	--	--	--	--	--	--	--	--	--
Waste management, waste disposal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>1</sup>	--	--	--	--	--	--	--	--	--
Waste management, waste transfer	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>1</sup>	--	--	--	--	--	--	--	--	--

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Production

### Craft breweries, wineries, and distilleries

#### L1. Any District Where Permitted

- a. The structure or tenant space containing the microbrewery must be a minimum of three hundred (300) linear feet from any residential dwelling unit on a residentially zoned property, as well as three hundred (300) linear feet from any school or house of worship facility.
- b. On site production cannot exceed 15,000 barrels (~465,000 gallons) of beer per year.
- c. Outdoor storage of equipment and materials shall not be permitted in any commercial zone.
- d. Outdoor storage of equipment and materials used in assembly, fabrication, or processing in Industrial zones shall be screened from view by a six-foot opaque fence, and shall not exceed 25% of the gross floor area of all buildings on a lot.
- e. Operations cannot be outside the facility between the hours of 10:00 pm and 7:00 am.
- f. Taprooms are encouraged.

#### L2. PX

- a. The floor area of the use cannot exceed 2,500 square feet.

#### L3. NX

- a. The floor area of the use cannot exceed 5,000 square feet.

#### L4. CX, IA, RF-C

- a. The floor area of the use cannot exceed 15,000 square feet.

## Production, Artisan

#### L5. ~~RX~~ PX

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.

#### L6. NX

Permitted by right up to 45,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

## Production, General

#### L7. RF-C

- a. Requires direct access to barge facilities.
- b. All storage to be in completely enclosed facilities.

#### L8. RF-M

- a. All storage to be in completely enclosed facilities.
- b. Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval (see Chapter 1751).

## Production, Intensive High Impact

### **Any District Where Permitted**

A permit from the Ohio Environmental Protection Agency (OEPA) or any local agency operating under the delegated authority of the OEPA ~~before~~ is required before obtaining zoning approval.

#### L9. RF-M

- a. The use must comply with the standards above.
- b. All storage to be in completely enclosed facilities.

- c. Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval (see Chapter 1751).

## **Production, Limited**

### **L10. RF-C**

- a. Requires direct access to barge facilities.
- b. All storage to be in completely enclosed facilities.

### **L11. RF-M**

- a. All storage to be in completely enclosed facilities.
- b. Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval (see Chapter 1751).

## **Storage and Warehouse**

### **Contractor Storage**

#### **L12. CG**

Outside storage must be screened with an 8 foot privacy fence.

### **Outdoor Storage**

#### **L13. Any District Where Permitted**

See Sec. 1711-5.

## **Wholesale and Distribution**

### **L14. RF-C, RF-M**

Requires direct access to barge facilities.

## **Waste-Related**

### **All Categories**

#### **C1. Any District Where Permitted**

All storage, separation and processing activities for waste-related uses must comply with the following:

- a. **Location, Waste Collection.** Waste-related uses must be at least 200 feet from a residential district.

- b. **Enclosures or Screening.** All waste-related uses must be conducted within an enclosed building or enclosed by a screen fence. The enclosures must be located outside any required front yard, side street yard, required parking or landscape areas or any other area required by this LDC to be maintained unencumbered according to any other applicable public safety laws.
- c. **Hours of Operation.** The site must be staffed during all hours of operation and a sign be posted indicating the hours of operation and warning of the penalties for illegal dumping.

## 1703-9.6. Recreation, Education, & Public Use Table & Use Standards

	SF-20	SF-10	SF-6	SF-4	SF-2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF-C	RF-M	IR	PR	DD-A	DD-B	DD-C	DD-D
<b>Recreation, Education, Public</b>																									
<b>Medical/Health:</b>																									
Ambulance service	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	P	--	P	P	P	P
Hospital	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	P	--	P	P	P	P
Medical office or clinic	--	--	--	--	--	--	--	<u>L</u> <sup>1</sup>	<u>L</u> <sup>1</sup>	<u>L</u> <sup>2</sup>	<u>L</u> <sup>2</sup>	P	P	P	--	--	--	--	--	P	--	<u>L</u> <sup>3</sup>	P	<u>L</u> <sup>3</sup>	<u>L</u> <sup>3</sup>
<b>Education:</b>																									
Colleges, public or private	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	P	--	P	P	P	P
Community Learning Center	<u>L</u> <sup>4</sup>	C	C	C	C	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	--	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	C	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>	<u>L</u> <sup>4</sup>
School: public or private	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	C	P	P	P	P
<b>Government:</b>																									
Community service facility	--	--	--	--	--	C	C	C	<u>P</u> <sup>5</sup>	P	P	P	P	P	P	--	P	--	--	P	--	P	P	P	P
Correctional institution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	C	--
Government facilities and installations	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	C	--	--	C	C	C	C
Government office	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	P	--	P	<u>L</u> <sup>5</sup>	P	P	P	P
Public maintenance facility	--	--	--	--	--	--	--	--	--	--	--	C	C	P	--	P	C	P	--	--	<u>L</u> <sup>6</sup>	--	P	P	P
Public safety facility	--	--	--	C	C	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P
<b>Civic:</b>																									
Cemetery	<u>L</u> <sup>7</sup>	--	--	<u>L</u> <sup>7</sup>	<u>L</u> <sup>7</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>7</sup>	--	--	--	--
Clubs and lodges	--	--	--	--	--	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	<u>L</u> <sup>8</sup>	P	P	P	P	P	--	--	P	P	--	P	P	P	P	P	P
Cultural institution	--	--	C	C	C	C	C	P	P	P	P	P	P	P	--	--	P	P	--	P	P	P	P	P	P
Meeting facility > 5,000 sf	--	--	--	--	--	--	--	--	--	<u>L</u> <sup>9</sup>	<u>L</u> <sup>9</sup>	P	P	--	--	--	P	P	--	P	P	P	P	P	P
Meeting facility ≤ 5,000 sf	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--	P	P	--	P	P	P	P	P	P
Park, recreation field	<u>L</u> <sup>10</sup>	<u>L</u> <sup>10</sup>	<u>L</u> <sup>10</sup>	<u>L</u> <sup>10</sup>	<u>L</u> <sup>10</sup>	P	P	P	P	P	P	P	P	P	P	--	P	P	--	P	P	P	P	P	P
Recreational facility: indoor or small-scale	--	--	--	--	--	--	--	<u>L</u> <sup>11</sup>	<u>L</u> <sup>11</sup>	<u>L</u> <sup>12</sup>	<u>L</u> <sup>12</sup>	<u>L</u> <sup>14</sup>	<u>L</u> <sup>14</sup>	<u>L</u> <sup>14</sup>	--	--	P	P	--	--	P	<u>L</u> <sup>13</sup>	<u>L</u> <sup>13</sup>	<u>L</u> <sup>14</sup>	<u>L</u> <sup>13</sup>
Recreational facility: outdoor or large-scale	--	--	--	--	--	--	--	--	--	--	--	C	P	C	--	--	P	C	--	--	P	C	--	C	C
Religious assembly	C	C	C	C	C	P	P	P	C	P	P	P	P	P	P	--	P	P	P	P	--	P	P	P	P

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Recreation, Education, Public

### Medical/Health

#### Medical Office or Clinic

##### L1. RM-H, RX

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and
- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.

##### L2. ~~PX~~, NX

Permitted by right up to 45,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

##### L3. DD-A, DD-C, DD-D

Not permitted as a principal ground floor use in locations indicated in Sec. 1703-7.8.

### Education

#### Community Learning Centers

##### L4. Any District Where Permitted

- a. A community learning center may only be established in connection with a lawfully established and active public school use.
- b. A community learning center may consist of one or more principal uses located on one or more lots that are adjacent or that have lot lines that are separated only by a street.
- c. A community learning center may consist of one or more of the following uses:
  - i. Any use permitted in the underlying zoning district.

- ii. Any use determined by the Director to be customary and incidental to a community learning center
- iii. If not permitted in the underlying zoning district, the following conditional uses upon approval by the Zoning Hearing Examiner: Social assistance, welfare, and charitable services; personal instructional services; day care center; community service facility; cultural institution; meeting facility > 5,000 sf; park, recreation field; recreational facility; indoor or small-size; community garden.
- d. Each use comprising a community learning center must serve as an integrated component of the community learning center.
- e. Each use comprising a community learning center must comply with all other development regulations for the use required by the LDC.

### Government

#### Government Office

##### L5. PR

Office uses for the administration of parks and recreation facilities, their lessees and concession operators are permitted. All other government offices require conditional use approval (see Chapter 1751).

#### Public Maintenance Facility

##### L6. PR

Public maintenance facilities for the maintenance of parks and recreation facilities are permitted. All other public maintenance facilities require conditional use approval (see Chapter 1751).



## Civic

### Cemetery

#### L7. SF-4, SF-2, PR

- a. A cemetery is permitted only if it is an existing use.~~or an expansion of that use.~~  
A conditional use permit is required for the expansion of a cemetery.
- b. Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, must be at least 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in which it is located.

### Club and Lodges

#### L8. RM-L, RM-M, RM-H, RX

The gross floor area of the use cannot exceed 3,000 square feet.

### Meeting Facility

#### L9. ~~PX~~, NX

Permitted by right up to ~~15,000~~ 10,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751).

### Park, Recreation Field

#### L10. SF

Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.

### Recreational Facility, Indoor or Small-scale

#### L11. RM-H, RX

- a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building; and

- b. The floor area of the use cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater.
- c. In RM-H, the lot must front on a street classified as an arterial or higher.
- d. The use must meet all standards in L14.

#### L12. ~~PX~~, NX

Permitted by right up to ~~15,000~~ 5,000 square feet on a single lot or building. More space requires a conditional use permit (see Chapter 1751). The use must meet all standards in L14.

#### L13. DD-A, DD-B, DD-D

Permitted only above the ground floor ~~in~~, unless modified by a conditional use permit (see Chapter 1751). The use must meet all standards in L14.

#### L14. Any District Where Permitted

Any bingo parlor or pool room located within 2,700 feet of a casino site must be located at least 300 feet from a residential district.

## 1703-9.7. Agriculture Use Table & Use Standards

	SF-20	SF-10	SF-6	SF-4	SF-2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF-C	RF-M	IR	PR	DD-A	DD-B	DD-C	DD-D
<b>Agriculture</b>																									
<u>Apiaries</u>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--
<u>Animal keeping</u>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--
Community garden	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	C	L <sup>3</sup>	--	L <sup>3</sup>	--	--	L <sup>3</sup>	L <sup>3</sup>	--	--	--	--
Farming	L <sup>5</sup>	L <sup>5</sup>	L <sup>5</sup>	--	--	--	--	--	--	--	--	--	--	--	L <sup>6</sup>	--	P	--	--	--	--	--	--	--	--
Mining and quarrying	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	--	--

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

### Agriculture

#### Apiaries

##### L1. SF

- Minimum lot size  
1/4 acre.
- Maximum apiary size  
24 cubic feet.
- Setbacks  
20 feet from all property lines, unless the apiary is located on a rooftop, then there is no setback.
- Screening  
A six-foot screen fence or hedge is required, unless the apiary is more than 150 feet from all property lines or on a rooftop.
- Nuisance  
Apiaries shall not create a nuisance, foul odors, or be a menace to the health of occupants or neighboring individuals.

#### Animal Keeping

##### L2. SF

- Chickens and Rabbits**  
Chickens and rabbits kept in residential areas shall be held to the following standards:
  - Roosters are prohibited.
  - Slaughtering is prohibited.

- Animals must be kept in an enclosure at all times with at least 4 SF of floor area per animal.
- Enclosures are treated as an Accessory Structure and may only be in the rear yard and must be at least 10 feet from all property lines and at least 30 feet from all neighboring dwellings, schools, churches or businesses.
- Enclosures must be kept clean, dry, odor-free, neat and sanitary at all times.
- The owner must take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

##### b. **Goats and Sheep**

Goats and sheep kept in residential areas shall be held to the following standards:

- Slaughtering is prohibited.
- Goats must be dehorned, and males must be neutered.
- Animals must be kept in a fenced secure area of at least 400 SF at all times. Enclosure or sheds must provide at least 10 SF of floor area per animal.

- iv. Enclosures are treated as an Accessory Structure and may only be in the rear yard and must be at least 10 feet from side property lines, 15 feet from rear property lines, and at least 30 feet from all neighboring dwellings, schools, churches or businesses.
  - v. Enclosures must be kept clean, dry, odor-free, neat and sanitary at all times.
  - vi. The owner must take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- c. **Maximum Number of Animals**
- i. Lots under 10,000 SF  
Chickens: 6  
Rabbits: 6  
Sheep: 2  
Goats: 2
  - ii. Lots between 10,000 SF and 20,000 SF  
Chickens: 10  
Rabbits: 12  
Sheep: 3  
Goats: 3
  - iii. Lots between 20,000 SF and 40,000 SF  
Chickens: 14  
Rabbits: 18  
Sheep: 5  
Goats: 5

## Community Garden

### L3. Any District Where Permitted

#### a. Hours of Operation

A community garden cannot be used between the hours of 10:00 pm and 7:00 am.

#### b. Number of Structures

2 max.

#### c. Structure Height

15 feet max.

#### d. Size

800 square feet max for all structures (other than fences and walls).

#### e. Setbacks

Setbacks for all structures except fences:

- i. Rear and side lot lines (interior side for corner lots): 3 feet min.
- ii. Rear lot line: 25 feet max.
- iii. Front lot line / corner street side: 10 feet min.

#### f. Fencing Height

- i. Along front or side street lot line (Residential district): 4 feet max.
- ii. Along side or rear Lot Line, other districts: 6 feet max.
- iii. Deer fencing may be up to 10 feet with written approval from all surrounding property owners.

#### g. Fence Opacity

- i. Along front or side street lot line (Residential districts): 50% max.
- ii. Along side or rear Lot Line (other districts): 100% max.

#### h. Fence Material

Fences and walls cannot include electrified, barbed or razor wire.

#### i. Outdoor Storage

Tools and supplies must be stored indoors or removed from the property daily. Bulk supplies and water tanks must be stored outside of front and side setbacks.

#### j. Pesticides and Fertilizers

Pesticides and fertilizers must be stored in a locked storage structure and must comply with any other applicable requirements for hazardous materials

**k. Equipment**

Use of commercial or industrial farm equipment is not ~~allowed~~ permitted .

**l. Composting**

- i. Composting must be only of materials generated on-site.
- ii. Area used for composting: 10% of the garden site with a max. of 200400 square feet.
- iii. Compost material must be enclosed in a screen fence or structure.
- iv. Compost enclosures / refuse area setbacks:
  - » Rear and side lot lines (interior side for corner lots): 3 feet min.
  - » Rear lot line: 25 feet max.
  - » Front lot line / corner street side: 10 feet min.
- v. Compost enclosures must be located to prevent runoff of water that has come in contact with the compost from flowing onto adjacent property, into natural or human-made storm channels or the public right-of-way.
- vi. Compost enclosures must be maintained in a way that protects adjacent properties from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests.

**m. Maintenance**

- i. The property owner of the site on which a community garden is located is responsible for all maintenance requirements.
- ii. The site must be designed and maintained to prevent any chemical, pesticide, fertilizer, or other garden waste from draining onto adjacent property.

- iii. Cultivated areas must be prevented from encroaching onto adjacent properties.
- iv. The property must be maintained free of high grass, weeds or other debris.
- v. Dead plant growth must be composted or removed from the site no later than December 1st of each year.
- vi. All refuse storage areas must be screened from ground-level view and from adjacent properties or public rights-of-way.

**L4. SF-, ~~MFRM-~~**

On-site sales of community garden products are prohibited. The use must meet all standards in L3.

**Farming**

**L5. SF-20, SF-10, SF-6**

Enclosures for food, small animals and commercial sales must be set back at least 100 feet from lot lines.

**L6. IA**

- a. At least 20,000 feet of contiguous land under the same ownership with no more than one single-family dwelling on the property is required in order to use the property for farming purposes.
- b. Buildings or structures for livestock must be set back a minimum 50 feet from each property line.
- c. Buildings or structures for storage and greenhouses must be set back a minimum of 20 feet from each property line.

## 1703-9.8. Transportation, Communications, & Infrastructure Use Table & Use Standards

	SF-20	SF-10	SF- 6	SF- 4	SF- 2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF- C	RF- M	IR	PR	DD-A	DD-B	DD-C	DD-D
Transportation, Communications, Infrastructure																									
Parking/Transportation:																									
Airport	--	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>1</sup>	--	-C <sup>1</sup>	--	--	-C <sup>1</sup>	--	--	--	--	--	--
Automobile holding facility	--	--	--	--	--	--	--	--	--	--	--	--	--	-L <sup>1</sup>	--	L <sup>1</sup>	--	--	P	--	--	--	--	--	--
Heliport	--	--	--	--	--	--	--	--	--	--	--	--	C <sup>2</sup>	C <sup>2</sup>	--	--	--	--	--	P	--	C <sup>2</sup>	--	C <sup>2</sup>	C <sup>2</sup>
Parking facility	--	--	--	--	--	--	C	C	--	C	C	P	P	P	--	--	--	--	--	P	C	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
Private vehicular storage lot	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	P	--	--	--	--	--	--
Railroad right-of-way	--P	--P	--P	--P	--P	P	P	P	P	P	P	P	P	P	--P	P	P	P	P	--P	--P	P	P	P	P
Railroad train yard	--	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>3</sup>	--	L <sup>3</sup>	--	L <sup>3</sup>	L <sup>3</sup>	--	--	--	--	--	--
Ground passenger transportation (e.g. taxi, charter bus)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	P	P	P	--	--	P	P	P	P
Towing and other road and ground services	--	--	--	--	--	--	--	--	--	--	--	--	--	--P	--	P	--	--P	--P	--	--	--	--	--	--
Transportation passenger terminal	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	P	P	--	--	C	C	C	C
Truck terminal and warehouse	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>4</sup>	--	--	P	--	--	--	--	--	--
Communications:																									
Communications facility	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	--	--	P	P	P	--	P	--	P	P
Wireless communication tower >20 feet tall	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	
Wireless communication tower ≤20 feet tall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless communications antenna >20 feet tall	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	
Wireless communications antenna ≤20 feet tall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities:																									
Public utility distribution system	C	C	C	C	C	C	C	C	C	C	P	P	P	P	--	P	P	P	P	P	--	L <sup>5</sup>	L <sup>5</sup>	L <sup>5</sup>	L <sup>5</sup>
Public utility maintenance yard	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	--	--	--	--	--	--	--	C	--
Public utility plant	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	P	P	--	--	C	--	C	--
Watercraft:																									
Barge terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>6</sup>	L <sup>7</sup>	--	--	--	--	--	--
Boat and ship yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>8</sup>	L <sup>8</sup>	P	--	--	--	--	--	--
Commercial pier/port	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--P	--	--	--	--	--	P
Marina	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	P
Marine sales and service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--P	P	--	--	--	--	--	--	--

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Transportation, Communications, & Infrastructure

### Parking/Transportation

#### Airport

##### C1. IX

Landing strip, pad, or apron may not be located within 500 feet of a residential district boundary.

#### Automobile Holding Facility

##### L1. IH

The facility must be:

- i. Completely enclosed on all sides with a 6-foot screen fence which is protected from damage by a guardrail or similar barriers; and
- ii. Located at least 100 feet from a residential district.

#### Heliport

##### C2. CG, IX

Landing strip, pad, or apron may not be located within 500 feet of a residential district boundary.

#### Parking Facility

##### L2. DD

The location of parking varies according to Sec. 1703-7.12.

#### Railroad Train Yard

##### L3. IX, IH, RF-C, RF-M

Not ~~allowed~~ permitted within 250 feet of a residential use in a residential district.

#### Truck Terminal and Warehouse

##### L4. IH

Not permitted within 250 feet of a residential use in a residential district.

## Communications

### Wireless Communication Tower / Antenna

#### C3. Any District Where Conditional

Approval of a conditional use is required (see Chapter 1751) for wireless communication towers and antennas greater than 20 feet in height **as measured from the base of the antenna to the top of the antenna.**

##### a. Public Interest

- i. In determining whether approval of the application is in the public interest, the Zoning Hearing Examiner will evaluate whether technically suitable space is available on commercially reasonable terms on an existing tower or structure within the geographic area to be served.
- ii. To enable this determination, the applicant is required to submit with the permit application a list of the location of every tower, building or structure that could support the proposed antenna so as to allow it to serve its intended function.
- iii. The applicant must demonstrate that a technically suitable location is not available on commercially reasonable terms on an existing tower, building or structure. If another communication tower is technically suitable, the applicant must show that it has offered to allow the owner to co-locate an antenna on another tower within the city owned by the applicant on reciprocal terms and the offer was not accepted or that other tower is presumed to be reasonably available.



- iv. Consideration of these factors is in addition to the standards enumerated in Chapter 1751 for conditional uses, and in this section.
- v. The failure of an applicant to offer to other wireless communication service providers on reciprocal term rights to install wireless communication antennas on wireless communication towers within the city, controlled by the applicant, is cause to deny approval of an application for a wireless communication tower as a conditional use.

**b. Minimum Site Area**

Monopole towers in an SF- or RF-R district must be located on a site larger than three acres.

**c. Wireless Communication Network Plan Required**

Any person licensed by the Federal Communications Commission to provide wireless communication services within the City who has installed or intends to install a wireless communication antenna within the City is required to file its wireless communication network plan with the Director. A provider must file an amended plan with the Director any time there is a change in company name, ownership, location of facilities or operations. The Director must send a copy of each amended plan to every person who has filed a plan and to every community organization affected by the amendments to the plan.

**d. Permitted Attachments**

An antenna may be attached to the following types of structures:

	SF-	MF RM-	RX, NX, CX, CC, IR	DD-, I-, RF-, PFPR
Agricultural building or structure	yes	yes	yes	yes
Public or semi-public or public utility building or structure	yes	yes	yes	yes
Multi-family building or structure		yes	yes	yes
Commercial building or structure			yes	yes
Industrial building or structure				yes

**e. Required Setbacks**

- i. Poles, towers, equipment structures and antennas must meet the minimum yard standards for all setbacks as set forth in the applicable district regulations.
- ii. Wireless communication tower shall be at least 110% of its height from any residential structure that exists in any residential district at the time an application is filed.

**f. Design Compatibility**

Except for the tower or monopole structure, the facility appurtenances must be aesthetically and architecturally compatible with the architecture of the surrounding environment.

**g. Screening Required**

Screen fencing must be provided for aesthetic and public safety reasons. A fence at least 6 feet in height must be erected completely around any communication tower and any related support facilities. Barbed and razor wire fencing is prohibited in residential districts.

**h. Landscaping**

A Type B planted buffer yard is required along residential district boundaries and adjacent to residential uses, as prescribed Sec. 1711-2. Buffer yard planting may be located in a required setback area.

**i. Obsolete Facility**

The owner or operator must remove an obsolete facility within 12 months of ceasing its active use for wireless communications.

**j. Outdoor Storage**

Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited in a residential district.

**k. Lighting**

An antenna or a tower may not be illuminated and lighting fixtures or signs may not be attached to the antenna or tower, except as required by law or to protect the safety of the general public.

**l. Certification**

The applicant must provide written certification from a registered engineer that the antenna and tower will comply with all applicable federal, state and local regulations pertaining to the construction.

**m. Tower Height**

A tower must be a monopole unless the tower is more than 200 feet high.

**n. Limitations on Authority to Deny**

- i. The Zoning Hearing Examiner may not deny an application for a wireless communication antenna as a conditional use if the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.

- ii. The Zoning Hearing Examiner may not deny an application for a wireless communication antenna as a conditional use on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.
- iii. The Zoning Hearing Examiner may not deny an application for a conditional use for the collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment on an existing wireless communications tower, antenna or any base station that does not substantially change the physical dimensions of such communications tower, antenna, or base station.

**Utilities**

**Public Utility Distribution System**

**L5. DD**

The facility must be underground, within a building or on the roof within an enclosure.

**Watercraft**

**Barge Terminal**

**L6. RF-C**

All storage to be in completely enclosed facilities.

**L7. RF-M**

Outdoor storage of chemicals, minerals and aggregate requires a conditional use approval (see Chapter 1751).

**Boat and Ship Yards**

**L8. RF-R, RF-C**

All storage to be in completely enclosed facilities.

## 1703-9.9. **Accessory** Use Table & Use Standards

	SF-20	SF-10	SF- 6	SF- 4	SF- 2	RM-L	RM-M	RM-H	RX	PX	NX	CX	CG	IX	IA	IH	RF-R	RF- C	RF- M	IR	PR	DD-A	DD-B	DD-C	DD-D
Accessory																									
Any accessory use not listed below	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	L <sup>1</sup>	
Amateur radio and satellite antennas	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>	
Automatic teller machine	--	--	--	--	--	--	--	--	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	
<u>Breweries, wineries, or distilleries</u>	--	--	--	--	--	--	--	--	--	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	--	--	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	L <sup>4</sup>	
Car wash	--	--	--	--	--	--	--	--	--	--	C	L <sup>5</sup>	L <sup>5</sup>	L <sup>5</sup>	--	--	--	--	--	--	--	L <sup>6</sup>	L <sup>6</sup>	L <sup>6</sup>	L <sup>6</sup>
Commercial service	--	--	--	--	--	--	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	--	--	L <sup>7</sup>	--	--	L <sup>7</sup>	--	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>	L <sup>7</sup>
Commercial vehicle parking	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	L <sup>8</sup>	--	--	P	P	P	L <sup>9</sup>	P	P	--	P	P	--	--	P	P	P	P
Composting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>10</sup>	L <sup>10</sup>	L <sup>10</sup>	--	--	--	--	--	--	--	--	--
Day care center	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>	--	--	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	--	--	L <sup>11</sup>	L <sup>11</sup>	--	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>	L <sup>11</sup>
Day care home, adult	--	--	--	--	--	C	C	C	P	P	P	--	--	--	--	--	C	--	--	P	--	P	P	P	P
Day care home, Type A (7 - 12 Children)	--	--	--	--	--	C	C	C	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>	--	--	--	--	--	C	--	--	L <sup>13</sup>	--	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>
Day care home, Type B (1 - 6 children)	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	--	--	--	--	--	L <sup>14</sup>	--	--	L <sup>14</sup>	--	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>	L <sup>14</sup>
Drive box	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>15</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	L <sup>16</sup>	--	--	L <sup>17</sup>	L <sup>15</sup>	--	--	--	--
Drive-thru Components	--	--	--	--	--	--	--	--	--	--	--	C	L <sup>18</sup>	L <sup>18</sup>	--	--	--	--	--	--	--	--	--	--	--
Exterior lighting	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	L <sup>19</sup>	
Fences and walls	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	
Home occupation	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	--	--	L <sup>21</sup>	--	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>	L <sup>21</sup>
Home office	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--	--	--	P	P	P	P
Laundry/commissary	--	--	--	--	--	--	--	--	--	--	--P	--P	--P	--P	--	--	L <sup>22</sup>	L <sup>22</sup>	--	--	--	--	--	--	--
Office	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	--	L <sup>23</sup>	L <sup>23</sup>	P	--	P	P	P	P
Outdoor dining	--	--	--	--	--	--	--	--	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>	--	--	C	C	--	--	--	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>	L <sup>24</sup>
Outdoor entertainment	--	--	--	--	--	--	--	--	--	--	--	L <sup>25</sup>	L <sup>25</sup>	L <sup>25</sup>	--	--	--	--	--	--	--	L <sup>25</sup>	L <sup>25</sup>	L <sup>25</sup>	L <sup>25</sup>
Outside storage	--	--	--	--	--	--	--	--	--	--	--	--	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>	--	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>	--	--	--	--
Portable storage container	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>
Storage, refuse	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>29</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>	L <sup>28</sup>
Religious accessory housing (convent, monastery, parsonage, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--P	--	P	--	P	P	P	P
Rooming unit	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	--	L <sup>30</sup>	--	--	L <sup>30</sup>	--	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>	L <sup>30</sup>
Small-scale specialized incinerator	--	--	--	--	--	--	--	--	--	--	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	--	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	L <sup>31</sup>	--	--	--	--
Truck docks and loading									L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>	L <sup>32</sup>
Vending machines	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>34</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>	L <sup>33</sup>

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

## Accessory Uses

### Any Accessory Use Not Listed Below

#### L1. Any District Where Permitted

Accessory uses determined by the Director to be customarily incidental to a use of the district are permitted. All others require conditional use approval (see Chapter 1751).

### Amateur Radio and Satellite Antennas

The intent of these regulations is only to locate such antennas and equipment where they are least visible from public rights-of-way in the vicinity, while not burdening adjacent property owners with adverse visual impacts. The intent is not to discriminate against dish antennas in favor of other communications facilities. Installation of this equipment and antennas is governed by the following:

#### Amateur Radio Antennas

##### L2. Any District Where Permitted

An amateur radio antenna may only be installed on a lot in any district if it complies with the following criteria:

###### a. Location

Only allowed permitted in the rear yard.

###### b. Maximum Height

15 feet above the district height limit, provided that additional height may be authorized with a conditional use approval (see Chapter 1751).

###### c. Surface Materials and Finishes

Highly reflective surfaces are not permitted.

## Parabolic Antennas

### L2. Any District Where Permitted

A parabolic or satellite antenna less than 2 feet in diameter may be installed in any district. An antenna greater than 2 feet in diameter may be installed if it complies with the following criteria:

#### a. Setbacks

Parabolic antennas must be located in a rear yard a minimum distance from all property lines equivalent to two times the height of the antenna. The distance is determined from the base support of the antenna to the nearest point on a property line.

#### b. Maximum Height

12 feet

## Automatic Teller Machine

### L3. Any District Where Permitted

#### a. Drive-Thru

See Sec. 1703-~~10.8.L9~~, [Accessory Uses](#) if the ATM has drive-thru facilities.

#### b. User Comfort

Where ATMs are located on the exterior of a building, weather protection must be provided in the form of an awning or shallow portico.

#### c. Security

ATM facilities must have adequate lighting for security purposes.

#### d. Litter

ATM facilities must include at least one trash receptacle.

## Breweries and Wineries

### L4. Any District Where Permitted

Beer and wine production accessory to a limited or full service restaurant is limited to 10,000 square feet and may not produce any objectionable odor, dust or fumes.

## **Car Wash**

### **L5. Any District Where Permitted**

#### **a. Location**

Permitted on arterial streets only.

#### **b. Setbacks**

No building or structure may be located within 20 feet of any street lot line.

#### **c. Queue Area**

Each facility must provide sufficient queue area in advance of the car wash area to accommodate 2 vehicles in advance of a self-service bay and 6 vehicles in advance of an automatic service bay.

#### **d. Litter**

One permanent trash receptacle per wash bay is required.

#### **e. Noise**

Sound baffles to absorb noise must be installed at all facilities creating noise levels above 70 decibels at the property line.

### **L6. DD**

Permitted only within a parking garage.

## **Commercial Services**

### **L7. Any District Where Permitted**

#### **a. Multi-Family, 100+ Dwelling Units**

Eating and drinking establishments, commissaries, residential concierge services, self-service laundries, automated teller machines and barber and beauty shops are permitted as accessory uses to multi-family developments in a single building with 100 or more dwelling units, provided that:

##### **i. Floor Area**

The accessory uses may not exceed in the aggregate, 5% of the total floor area of the building.

### **ii. Commissaries**

Commissaries may not exceed a maximum floor area of 500 square feet for the first 100 dwelling units and an additional 5 square feet for each dwelling unit over 100 up to a maximum floor area of 750 square feet.

### **iii. Interior Access**

Access to the accessory uses is from the interior of the building.

### **iv. Loading**

The loading and unloading of trucks and service vehicles is conducted inside a building or, if outside a building, any loading or unloading of trucks and any area used or designed to be used primarily by trucks and service vehicles may be no less than 50 feet from the nearest lot line located in or abutting an SF, or RM District.

### **v. Displays and Signs**

The display of goods or services outside of the building is prohibited and advertising pertaining to such uses may not be visible from the exterior of the building, except that:

- » One identification sign as a non-illuminated or indirect illuminated wall sign is permitted not exceeding eight square feet in area, but there may only be one such wall sign, irrespective of the number of accessory uses in the building.
- » One non-illuminated or indirectly illuminated identification sign erected as a ground sign is permitted for each street frontage. Each sign face may not exceed 12 square feet.

**b. Multi-Family, 200+ Dwelling Units**

Eating and drinking establishments, commissaries, residential concierge services, self-service laundries and automated teller machines are permitted as accessory uses to multi-family developments with 200 or more dwelling units in two or more buildings, provided that:

**i. Floor Area**

The total floor area of such uses is not more than 5,000 square feet;

**ii. Location**

The building or buildings containing such uses and the associated parking and loading areas may be no less than 300 feet from the property line of any abutting property.

**iii. Displays and Signs**

The display of goods or services outside of the building in which such uses are located is prohibited and advertising pertaining to such uses may not be visible from the exterior of the building, except for one non-illuminated or indirectly-illuminated identification sign erected as a ground or wall sign not exceeding 8 square feet.

**Commercial Vehicle Parking**

**L8. SF-, MFRM-**

One commercial vehicle completely enclosed in a garage may be parked or stored on the lot except:

- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment that are used on the premises during the actual time of parking.

- b. One commercial vehicle with a current license owned by a resident of the residential property on which it is stored or parked, up to 2 tons in capacity, may be enclosed or located outside of an enclosed structure.
- c. Vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.

**L9. IX**

One commercial vehicle may be parked or stored on property used for residential purposes if:

- a. Commercial vehicles with current license owned by a resident of the residential property on which it is stored or parked may not exceed 2 tons in capacity.
- b. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.

**Composting Facilities**

**L10. IA**

**a. On-Site**

Composting, other than private residential composting, must be of materials generated on-site.

**b. Amount of Material**

A maximum of 10 cubic yards of material may be composted for every acre or fraction of an acre of the site.

**c. Screening**

The composting material must be enclosed in a screen fence or structure.

**d. Enclosure Location**

Material composting must be at least 100 feet from any property used for residential purposes. Composting may only take place outside the 100-year floodplain.



## Day Care Center

### L11. Any District Where Permitted

Outdoor play areas must be located in the rear yard, and be enclosed by a fence or wall of at least 4 feet in height.

### L12. SF-, RM-

Must be accessory to a permitted principal recreation, education or public use in the district. The use must meet all standards in L11.

## Day Care, Type A

### L13. Any District Where Permitted

Outdoor play areas must be located in the rear yard, and be enclosed by a fence or wall of at least 4 feet in height.

## Day Care, Type B

### L14. Any District Where Permitted

Outdoor play areas must be located in the rear yard, and be enclosed by a fence or wall of at least 4 feet in height.

## Drive Box

### L15. SF-, ~~MFRM~~-, PR

- a. Must be accessory to a permitted principal recreation, education or public use in the district
- b. At least 100 feet from any property used for residential purposes.

### L16. RX, ~~PX~~, NX, CX, ~~CG~~, IX, IA, IH, IR

- a. The storage space is less than 30 cubic yards
- b. Enclosed by a screen fence or within a structure
- c. At least 100 feet from any property used for residential purposes.

### L17. RF-R

- a. Must be accessory to a permitted principal recreation, education or public use in the district

- b. At least 100 feet from any property used for residential purposes.
- c. Outside the 100-year floodplain.

## Drive-Thru Components

### L18. Any District Where Permitted

#### a. Location

- i. ~~Drive-thru lanes cannot be located between buildings and adjacent streets. Parking, stacking and circulation aisles are not permitted between a public street right-of-way line and a principle building.~~
- ii. ~~Drive-thru pickup windows and coverings are prohibited on primary building frontages and shall be attached to the rear or side of a principle building.~~
- iii. ~~In order to protect pedestrian children, no drive-thru establishment shall be constructed on any lot that abuts a school, park, or playground.~~

#### b. Pedestrian Walkways

Pedestrian walkways must have clear visibility and be emphasized by enhanced paving (such as brick pavers) or markings when they intersect the drive-in or drive-through aisles.

#### c. Location

- i. All service areas, trash storage areas and mechanical equipment must be screened from ground-level view and from adjacent properties or public rights-of-way (see Sec 1703-~~10.8.V9~~, Refuse Storage).
- ii. ~~All sources of light emitted from the drive-thru establishment shall be directed, shaded, shielded or otherwise arranged so as not to produce glare in abutting residential use.~~

d. **Menu Boards**~~Drive-Thru Components~~

Must be located at least 50 feet from any residential district boundary. Menu boards shall not count against the total sign area of the property.

e. **Speaker Noise**

Speaker noise levels shall not be audible on any abutting residential district.

f. **Litter**

At least one permanent trash receptacle must be installed along each drive-thru lane.

g. **Hours of Operation**

Retail sales from drive-thru lanes of a drive-thru establishment abutting any SF or RM district shall be prohibited from 10:00 P.M. to 6:00 A.M. daily.

1. ~~CX~~

~~Drive-thru facilities on a corner lot require conditional use approval (see Chapter 1751).~~

## Exterior Lightning

### L19. Any District Where Permitted

See Sec. 1711-4.

## Fences and Walls

### L20. Any District Where Permitted

a. **General**

Fences and walls are permitted in all zoning districts and may be required for specific uses or as buffering between certain uses (see Sec. 1711-2).

b. **Maximum Height**

- i. In any front, corner side yard or corner rear yard the maximum height of any fence or wall or fence/wall combination cannot exceed 4 feet in residential districts and 6 feet in all other districts

and may not exceed an opacity of 50%.  
(EXCEPTION: Fences and walls used as parking lot screening per Sec. 1711-2.7.)

- ii. In any interior side or rear yard, the maximum height may not exceed 6 feet and may be 100% opaque.

c. **Entry Gateway**

An entry gateway, trellis or other entry structure may be permitted in the required front yard provided the maximum height and width do not exceed 10 feet.

d. **Driveway Visibility**

All fences are subject to the driveway visibility requirements of ~~§ 1706-5. Sec.~~ 1711-1.4.G

e. **Electrical Fences and Razor Wire**

Electrical, barbed and razor wire fences are an accessory conditional use in any Mixed Use and Commercial, Industrial or Riverfront District, and are prohibited in all other districts.

f. **Decks and Railings**

Within the limits of a rear yard in a residential district, decks and railings for above ground swimming pools may be up to 8 feet above grade and located at least 3 feet from all property lines.

## Home Occupation

### L21. Any District Where Permitted

a. **Purpose**

These regulations give residents an opportunity to use their homes as a business. Home occupations are permitted in a way that protects adjacent residential areas from potential adverse impacts they may cause. This section assures compatibility between the home occupation and neighboring properties, while retaining the residential character of the building where the home occupation is conducted.

**b. Uses**

Home occupations may not include retail sales and are limited to personal services that can be performed on the premises in oral, written, fine-arts, manual-crafts, home-crafts or graphic-arts forms, limited business and professional office activities, or similar occupations.

**c. Location**

All activities (including accessory storage) must occur entirely within the dwelling unit or an accessory building.

**d. Number**

Two home occupations may occur in a single dwelling unit if together they do not exceed the area limitation below, or violate any other conditions specified in this subsection.

**e. Employees**

The business can only be conducted by residents of the dwelling.

**f. Area**

The gross floor area exclusively devoted to the home occupation (including accessory storage) may not exceed the lesser of 25% of the habitable gross floor area of the dwelling unit, or 500 square feet.

**g. Sales**

Merchandise, supplies or stock in trade may not be sold on the premises. However, customers or clients may pick up orders made either through the telephone or at sales meetings outside of the dwelling where the home occupation is located.

**h. Display/Storage**

- i. Outdoor display or storage of materials, goods, supplies, or equipment is not permitted in connection with a home occupation.

- ii. Goods and materials that identify the home occupation may not be displayed so as to be visible from outside the building.
- iii. The home occupation may not be conducted or advertised in a way that generates vehicular or pedestrian traffic in greater volume than that normally expected in the residential district in which the home occupation is located.
- iv. A home occupation may not produce noise, odors, vibrations, glare, fumes or electrical interference above those levels normally expected in a residential neighborhood.
- v. Hazardous or toxic materials may not be used or stored on-site in quantities that could have a potentially significant environmental impact on the property or on the surrounding community. A hazardous or toxic material is one which is subject to the reporting provisions of Section 313 of Subtitle B of the Environmental Planning and Community Right-to-Know Act of 1986, 42 U.S.C. Section 11023.

**i. Building Appearance**

The exterior appearance of the building may not be altered to accommodate the home occupation in a way that is inconsistent with the building's residential character.

**Laundry/Commissary**

**L22. RF-R, RF-C**

Must be accessory to a marina.

**Office**

**L23. RF-C, RF-M**

May be accessory to a permitted or conditional use (see Chapter 1751), and limited to 20,000 square feet of gross floor area.

## Outdoor Dining

### L24. Any District Where Permitted

Outdoor areas for eating or drinking establishments must be located, developed and operated in compliance with the following:

#### a. Location

Outdoor areas on any public sidewalk or alley require a revocable street privilege. Any outdoor area located within 100 feet of a residential district requires conditional use approval (see Chapter 1751).

#### b. Maximum Size

Within 500 feet of a residential district, the outdoor area may not exceed 50% of the indoor area accessible to the public. Additional area requires conditional use approval (see Chapter 1751).

#### c. Barriers

Decorative walls or fencing must enclose an outdoor area.

#### d. Fixtures

Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures must be removed during the off-season.

#### e. Hours of Operation

Within 100 feet of a residential district, the use of outdoor areas is prohibited between Midnight and 7 AM on Friday and Saturday and 10 PM and 7 AM on all other days, unless a conditional use is approved (see Chapter 1751). In all other locations, the use of outdoor areas is prohibited after 2 AM.

## Outdoor Entertainment

### L25. Any District Where Permitted

Within 500 feet of a residential district, outdoor entertainment, including the use of audio/visual equipment or amplified sound is prohibited without a conditional use approval (see Chapter 1751).

## Outdoor Storage

### L26. Any District Where Permitted

See Sec. 1711-5.

## Portable Storage Container

### L27. Any District where permitted

#### a. Location

Portable storage containers must be located on a paved surface and be setback a minimum of 10 feet from the front lot line.

#### b. Maximum Size

The maximum size for a portable storage container is 8 feet by 16 feet with a maximum height of 8 feet 6 inches.

#### c. Time Limitation

Portable storage containers are permitted for a total of 30 days within a calendar year.

#### d. Number Permitted

Two portable storage containers may be placed on a lot at the same time.

## Refuse Storage

### L28. Any District where permitted

In order to provide adequate, accessible and convenient locations for the collection and storage of recyclable materials and refuse within containers and enclosures that are compatible with surrounding land uses and structures, refuse and recycling containers required for all residential and nonresidential developments (see Chapter 729 of the Municipal Code) must comply with the following:

**a. Access**

Driveways and aisles must be unobstructed.

**b. Enclosure**

All refuse collections and recycling containers must be enclosed or screened so as not to be visible from the right-of-way or other publicly accessible areas. The structure must be enclosed on all sides, one of which includes a gate or door that can be secured.

**c. Location**

The enclosures may not be located in any required front yard, street side yard, required parking or landscape areas or any other area required by law to be maintained.

**d. Enclosure Materials**

The enclosure may consist of screen fencing of chain link with slats, solid wood, vinyl fencing or masonry walls.

**e. Height**

A minimum of one foot taller than the container and no taller than 8 feet.

**f. Landscaping**

The exterior perimeter of the enclosure must be landscaped excluding the access point.

**g. Maintenance**

Enclosures must be maintained in a manner that protects adjacent properties as well as tenants located on the subject property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The receptacle must be covered by either a roof on the enclosure or covered receptacles.

**h. Hours of Operation**

The use of refuse storage areas is prohibited between 11 PM and 7 AM on weekends and between 10 PM and 7 AM on weekdays if located within 50 feet of residential district boundaries.

**L29. I-, RF-, IR**

The requirements above apply only if the refuse storage area is within 100 feet of any property used for residential purposes.

**Rooming Unit**

**L30. Any District Where Permitted**

No more than 2 rooming units may be rented or leased in a single-family dwelling or individual dwelling unit.

**Small Scale Specialized Incinerator**

**L31. Any District Where Permitted**

- a. ~~Allowed~~ Permitted if accessory to hospitals, medical services, clinics commercial laboratories and research and development uses.
- b. The material incinerated must be generated on-site, and be located on a roof or at least 100 feet from any property used for residential purposes.

**Truck Docks and Loading**

**L32. Any District Where Permitted**

See 1711-1.9.

**Vending Machines**

**L33. Any District Where Permitted**

- a. Outdoor vending machines shall be accessory only to schools, golf courses, athletic facilities, parks and retail uses.
- b. When located at schools, golf courses, athletic facilities and parks, outdoor vending machines shall be enclosed or screened with an opaque fence or landscaping.
- c. For retail uses, outdoor vending machines are allowed only for:

- i. Single occupant buildings with more than 4,000 square feet of gross floor area.
  - ii. Individual tenants in a multi-tenant building that have at least 30 lineal feet of storefront.
- d. Vending machines must be maintained in good operating condition and be free from rust and adornments such as graffiti, stickers and posters.
- e. Vending machines may not be located:
  - i. Within any required setback, landscaping or bufferyard.
  - ii. So as to obstruct or interfere with pedestrian travel.
  - iii. Within 5 feet from a crosswalk, ~~display~~ window, building entrance, fire hydrant or other emergency facility.
  - iv. With more than three machines at any location.
  - v. Closer than 100 feet to another group of vending machines.
  - vi. Within the public right-of-way.

**L34. SF-, RM-**

Vending machines may not be located outside any building or accessory building used for residential purposes in a residential district. The use must meet all standards in L33.





## Sec. 1703-10. Rules of Measurement

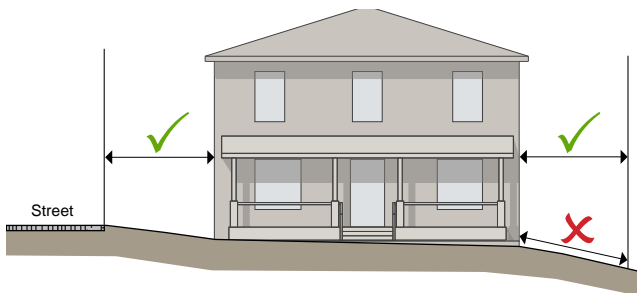
Listed below are the measurement and general provisions for the district standards listed in Sec. 1703-1 through Sec. ~~1703-8~~ 1703-8. Terms not listed below may be defined in Chapter 1753.

### 1703-10.1. Distances

Distances are measured as follows:

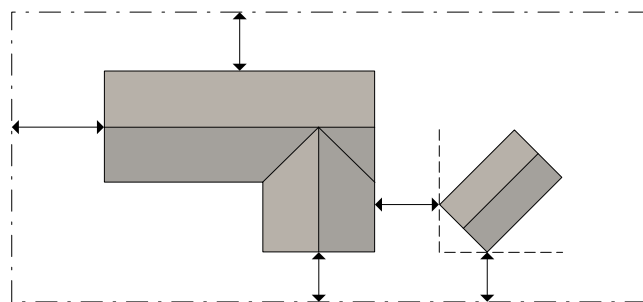
#### A. Distances Measured Horizontally

When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances are not measured by following the topography of the land.



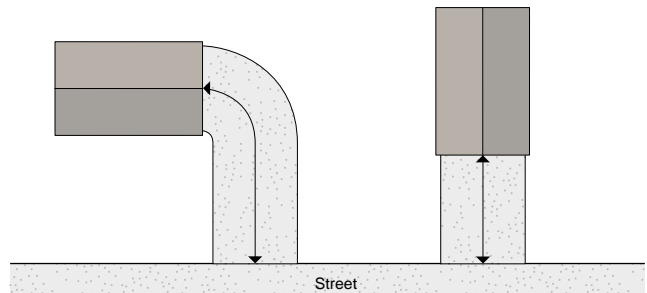
#### B. Measurements are Shortest Distance

When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. Exceptions are stated in paragraphs C, D, and E below.



#### C. Measurement of Vehicle Stacking or Travel Areas

Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane.



#### D. Measurements Involving a Structure

Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves and bay windows up to 12 feet in length, are not included in the measurement. Other features, such as covered porches and entrances, are included in the measurement.

#### E. Underground Structures

Structures or portions of structures that are entirely underground are not included in measuring required distances.

### 1703-10.2. Floor Area Ratio

The floor area ratio is measured as the proportion of allowable building gross floor area divided by the area of the parcel of land on which the building rests. For purposes of calculating the floor area ratio, gross floor area associated with the following is excluded:

- A. Attic space having a headroom of 7 feet or less.
- B. Space devoted exclusively to parking and loading within the building.
- C. Utility or furnace rooms.
- D. Space used for incidental service storage.
- E. Space used for the installation of mechanical equipment, ventilators, heating systems and similar uses.
- F. Space for the common recreational use of tenants and guests that is not part of a dwelling unit.

### 1703-10.3. Lot

#### A. Principal Structures

No more than one principal structure may be constructed on a lot unless the development of more than one structure has been approved under Sec. 1703-910.2.A.1 or Sec. 1703-8.

#### B. Lot Area for Lots of Record

In any SF- or RM- district, a single-family dwelling may be erected on a lot less than the minimum lot area specified for the district provided that:

1. The lot has been of record as defined in Chapter 1753;
2. The structure complies with all the yard and height regulations of the district; and
3. The area of the lot is no less than:
  - a. SF-20: 16,000 square feet;
  - b. SF-10: 8,000 square feet;
  - c. SF-6: 4,800 square feet;
  - d. SF-4: 3,200 square feet;
  - e. SF-2: 1,600 square feet;
  - f. RM-L: 2,000 square feet; and
  - g. RM-M, RM-H: 1,600 square feet.

#### C. Lot Area Reductions Due to Public Acquisition

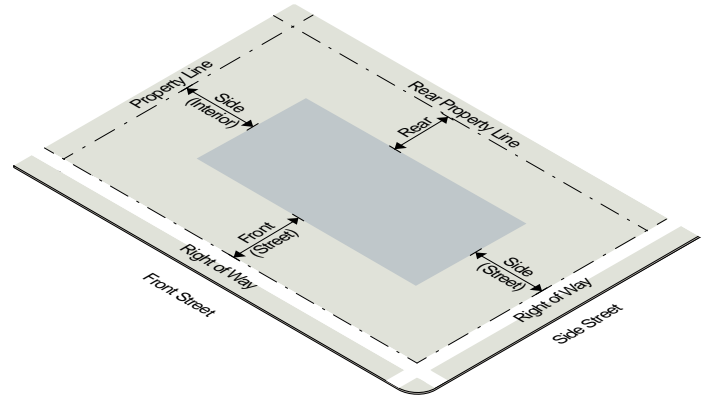
If a portion of a legally existing lot in any district is acquired for public use, the remaining lot area and setbacks are considered in compliance.

### 1703-10.4. Building Setbacks

#### A. Type of Setbacks

There are 4 types of setbacks – front street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.

#### B. Measurement of Building Setbacks



1. The front street setback is measured at a right angle from the right-of-way line.
2. Where a lot extends through the block from street to street, the required front yard must be provided along each street.
3. The side street setback is measured at a right angle from the side street right-of-way line.
4. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line. Where there is more than one front street, the Director will determine the rear lot line based on the criteria in Sec. 1703-10.4.D.
5. All lot lines which are not front street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side lot line.

6. When the side interior or rear setback is 0 or 5 feet, the building or structure may be placed on the lot line or be placed a minimum of 5 feet from the lot line.
7. When the rear setback is 4 or 20 feet, the building or structure may be placed 4 feet from the lot line or be placed a minimum of 20 feet from the lot line.

### C. Irregular Shaped Lots

The Director will determine setbacks for irregular-shaped lots. **Irregular shaped lots are lots with more or less than 4 sides, contain an arc, or are bounded by three streets.**

### D. Front and Side Street Designation

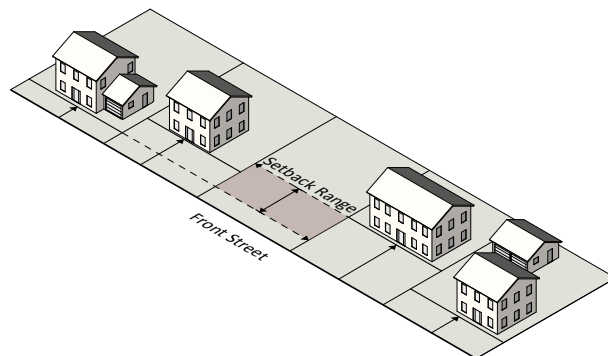
1. Where only one street abuts a lot, that street is considered a front street.
2. A lot with more than one street front must designate at least one front street. A lot may have more than one front street. The Director will determine which streets are front streets based on:
  - a. The street or streets with the highest classification;
  - b. The established orientation of the block;
  - c. The street or streets abutting the longest face of the block;
  - d. The street or streets parallel to an alley within the block;
  - e. The street that the lot takes its address from; and
  - f. The pedestrian orientation of adjacent or abutting development, existing or proposed.

### E. Front Setback Averaging

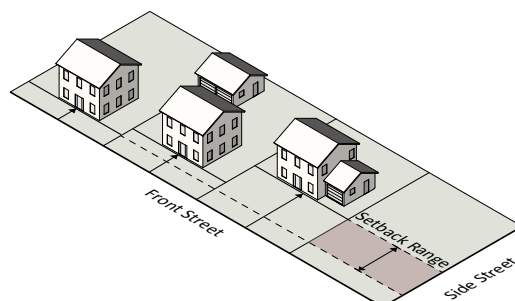
The front street setback requirements for principal buildings in **R-SF-20, and SF R-10, R-6, R-4, R-2 and RM-L** must meet the following requirements:

1. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.

2. The proposed building must be located within the range of front setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.
3. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face.



4. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the block face.

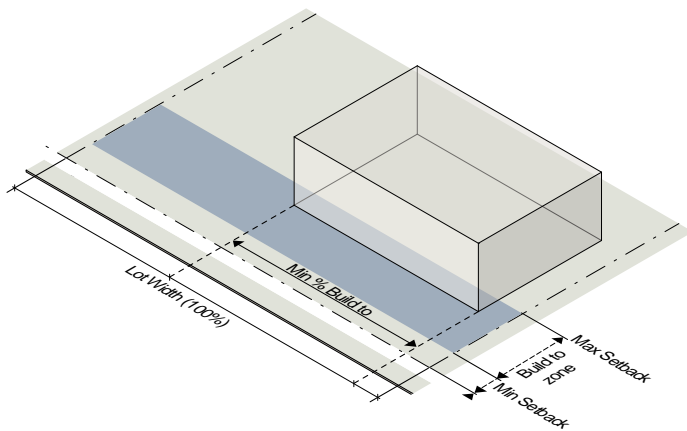


5. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.

## 1703-10.5. Facade Zone

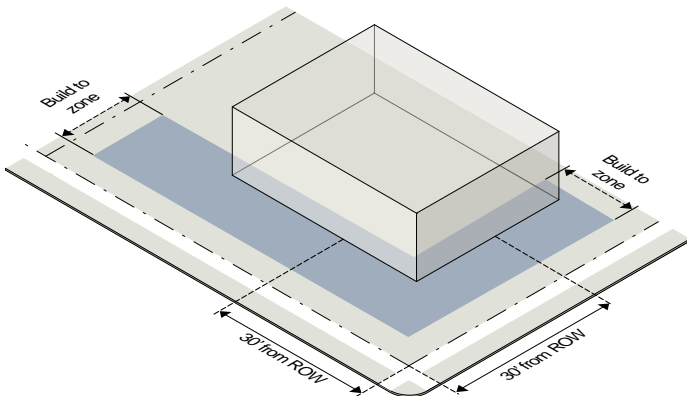
### A. Defined

1. The facade zone is the area on the lot where a certain percentage of the building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. The required percentage specifies the amount of the building facade that must be located in the facade zone, measured based on the width of the building divided by the width of the lot.



### B. Corner Lot

On a corner lot and when required, a building facade must be placed within the facade zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



### C. Uses Allowed Permitted

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) **allowed permitted** on the lot are **allowed permitted** in the facade zone.

## 1703-10.6. Setback Encroachments

All buildings and structures must be located at or behind required setbacks except as listed below. The Director can determine that an encroachment not listed is similar to a listed encroachment and allow the encroachment. No building or structure can extend into a required easement or public right-of-way.

### A. Building Features

1. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriel less than 10 feet wide, chimneys, flues, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
2. Unenclosed patios, decks, terraces or porte cochere may encroach into a side interior or rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
3. An awning, canopy or gallery may encroach into a front or side street setback provided that such extension is at least 1 foot from the vertical plane of any lot line.
4. A front porch may encroach up to 9 feet, including the steps, into a front or side street setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A front stoop may encroach up to 6 feet, including the steps, into a front or side street setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

6. Balconies may encroach up to 5 feet, provided that such extension is at least 5 feet from the vertical plane of any lot line.
7. Handicap ramps may encroach to the extent necessary to perform their proper function.
8. Fire escapes may encroach up to 4.5 feet, including the steps provided that such extension is at least 2 feet from the vertical plane of any lot line.
9. Structures below and covered by the ground may encroach into a required setback.

## **B. Site Features**

1. Fences and walls may encroach into a required setback.
2. Sidewalks and driveways may encroach into a required setback.
3. A required buffer yard may encroach into a required setback.
4. Landscaping may encroach into a required setback.
5. Signs under may encroach into a required setback as stated in Sec. 1711-3.

## **C. Low Impact Stormwater Features**

1. Low impact stormwater management features may encroach up to 2 feet into a front or side street setback (but not into the required sidewalk), including, but not limited to:
  - a. Rain barrels or cisterns, 6 feet or less in height;
  - b. Planter boxes;
  - c. Bio-retention areas; and
  - d. Similar features, as determined by the Director.
2. Low impact stormwater management features listed above may encroach into a side interior or rear setback, provided such extension is at least 2 feet from the vertical plane of any lot line.

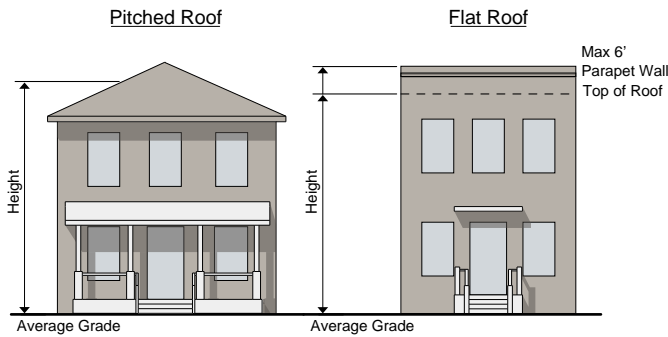
## **D. Mechanical Equipment and Utility Lines**

1. Mechanical equipment associated with residential uses, such as HVAC units, swimming pool pumps or filters, security lighting, and tankless water heaters may encroach into a side interior or rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
2. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures and related fences) may encroach into a required rear or side setback.
3. Minor utilities below and covered by the ground may encroach into a required setback.

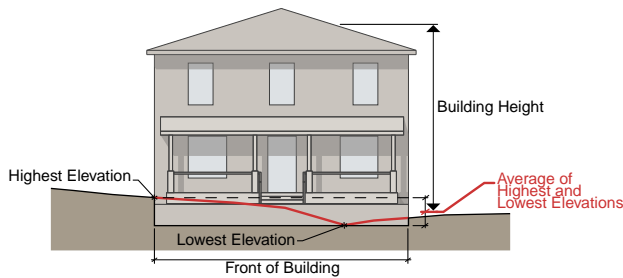


## 1703-10.7. Building Height

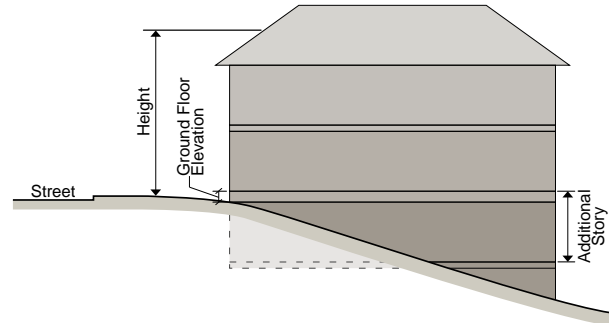
- A. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.



- B. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the front street setback line.



- C. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



## 1703-10.8. Height Encroachments

Any height encroachment not listed below is prohibited except where the Director determines that the encroachment is similar to a permitted encroachment listed below.

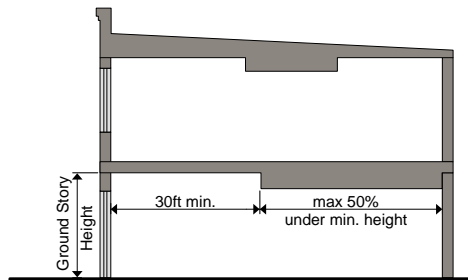
- A. The maximum height limits of the district do not apply to a spire, belfry, cupola, dome, or other similar feature that does not contain conditioned space and is not intended for human occupancy, or public utility facilities which by design or function must exceed the established height limits.
- B. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
1. Chimney, flue or vent stack;
  2. Rooftop deck, patio, shade structure;
  3. Flagpole;
  4. Vegetation or railings associated with a rooftop garden or landscaping;
  5. Skylights;
  6. Parapet wall; and
  7. Solar panels, wind turbines and rainwater collection systems.

- C. The following may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

1. Amateur communications tower;
2. Elevator or stairway access to roof;
3. Greenhouse associated with a rooftop garden; and
4. Mechanical equipment.

### 1703-10.9. Story Height

- A. Ground story height is measured from the top of the finished floor to the ceiling above.
- B. Minimum ground story height applies to the first 30 feet of the building measured inward from the interior wall of the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.



### 1703-10.10. Transparency

- A. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade.
- B. Transparency applies to front and side street-facing facades only.
- C. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.
- D. Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.

- E. Upper story transparency is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.



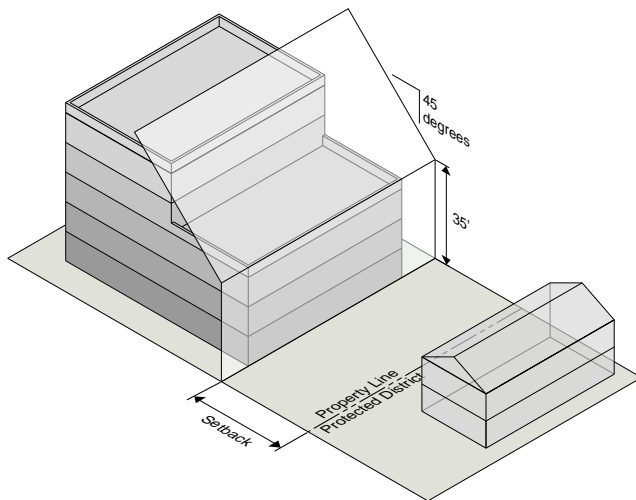
### 1703-10.11. Pedestrian Access

- A. An entrance providing both ingress and egress, operable to residents at all times or customers during hours of operation, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
- B. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

## 1703-10.12. Neighborhood Compatibility

### A. Height Plane

1. The following height plane applies when a site immediately abuts a district boundary of an SF-20, SF-10, SF-6, SF-4 or SF-2 district.
2. When required, a building cannot extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 35 feet until the maximum height of the district is reached.
3. The height plane applies up to 100 feet from the district boundary line.



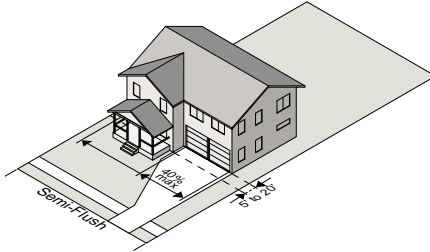
### B. Buffer Yard

A buffer yard may also be required. See Sec. 1711-2.

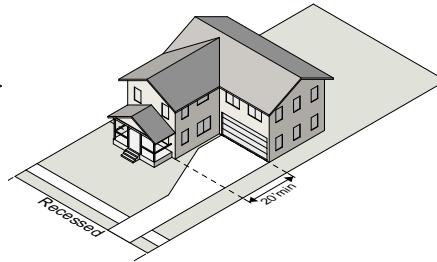
## 1703-10.13. Residential Garage Parking

### A. Single-Family, Two-Family

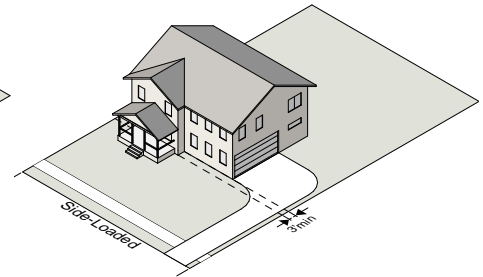
Single-family and two-family on lots of less than 1 acre, garage placement must match one of the following:



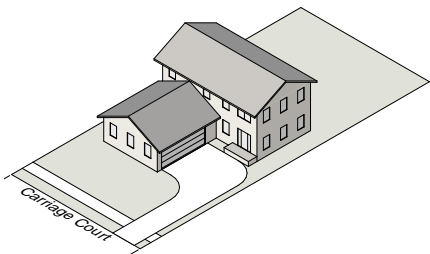
**Semi-Flush.** Garage doors are oriented toward the street. Garage doors must be positioned between 5 and 20 feet behind the front wall plane of the house, extending no more than 40% of the width of the house. No individual garage door may exceed 12 feet in width.



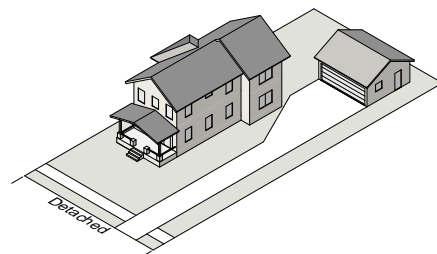
**Recessed.** Garage doors are oriented toward the street. Garage doors must be positioned at least 20 feet behind the front wall plane of the house. There is no restriction on garage door width.



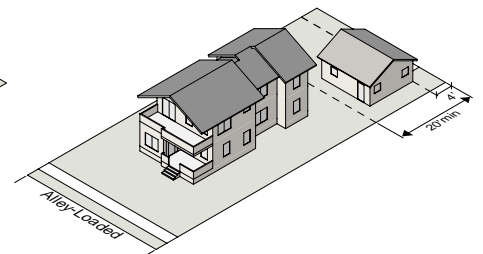
**Side-Loaded.** Garage doors are oriented perpendicular to the front wall plane. Any wall of the garage must be located at least 3 feet behind the front wall plane of the house.



**Carriage Court.** Garage doors are oriented perpendicular to the front wall plane. Garage is located entirely in front of the house.



**Detached.** Garage is placed entirely to the rear of the house.



**Alley-Loaded.** Garage is placed entirely to the rear of the house and is alley-accessed. Garage doors must face the alley. The garage must either be located 4 feet from the alley right-of-way or be a minimum of 20 feet from the alley right-of-way. Where parking spaces are located between the garage and the alley, the garage must be located at least 20 feet from the alley right-of-way.

## B. Rowhouse Attached Single-Family

For rowhouses attached single-family units, garage placement must meet the following.



1. Garage is placed entirely to the rear and is rear-accessed. Garage can be attached or detached.
2. Garage doors must face the rear alley or easement.
3. The garage must either be located 4 feet from the rear right-of-way or easement line or be a minimum of 20 feet from the rear right-of-way or easement line.

## 1703-10.14. Residential Parking Location

### A. Parking in the Front Yard

1. In all single-family and two-family lots and in RM-L, parking in the front street yard is allowed permitted only on a hard-surfaced driveway access drive (i.e., asphalt, concrete, a ribbon turf-reinforced driveway, or gravel if approved by the Director), where such drives lead to the parking lots or spaces either within the principal building or in any accessory structure or at locations behind the front line of a building. No parking is allowed permitted in grass or lawn areas.
2. ~~Combined parking and driveway area cannot constitute more than 40% of the front street yard.~~

3. Any parking in the front street yard must have sufficient depth so that parked cars do not encroach on the sidewalk. Garage doors must be set back at least 20 feet from the sidewalk.

### B. Tandem Parking

1. Tandem parking is allowed permitted for residential uses.
2. Two parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.
3. Both parking spaces in tandem must be assigned to the same dwelling unit.
4. Tandem parking may not be used to provide guest parking.

# Chapter 1707. Overlay Districts

<b>Sec. 1707-1. Historic Preservation Overlay District .....</b>	<b>7-3</b>
1707-1.1. <b>Definitions.....</b>	7-3
1707-1.1. Specific Purposes and Intent .....	7-4
1707-1.2. Administration .....	7-4
1707-1.3. Applicability .....	7-4
1707-1.4. Urban Conservator.....	7-4
1707-1.5. Historic Conservation Board.....	7-4
1707-1.6. Variances, Special Exceptions and Conditional Uses .....	7-5
1707-1.7. Appeals.....	7-5
1707-1.8. Severability .....	7-5
1707-1.9. Preserving a Structure.....	7-5
1707-1.10. Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance .....	7-9
1707-1.11. Relationship to Other Special Districts .....	7-13
<b>Sec. 1707-2. Hillside Overlay District.....</b>	<b>7-15</b>
1707-2.1. Purpose .....	7-15
1707-2.2. Applicability .....	7-15
1707-2.3. Development Requirements.....	7-15
1707-2.4. Approval of Hillside Development.....	7-16
1707-2.5. Appeal.....	7-16
1707-2.6. Establishment of a Hillside Overlay District.....	7-17
1707-2.7. What are the Criteria for the Establishment of an HS Overlay District? .....	7-17
<b>Sec. 1707-3. Stream Corridor Setbacks Overlay District.....</b>	<b>7-18</b>
1707-3.1. Purposes.....	7-18
<b>1707-3.2. Definitions.....</b>	<b>7-18</b>
1707-3.3. Applicability .....	7-19
1707-3.4. Establishment of Stream Corridor Setbacks.....	7-19
1707-3.5. Land Use Regulations.....	7-20
1707-3.6. Additional Standards for Special Exceptions.....	7-20
1707-3.7. Appeal.....	7-21



**Sec. 1707-4. Urban Design Overlay District.....7-22**  
1707-4.1. Specific Purposes..... 7-22  
1707-4.2. Applicability and Zoning Map Designator ..... 7-22  
1707-4.3. Establishment of UD Overlay Districts..... 7-22  
1707-4.4. Applications Subject to Review..... 7-22  
1707-4.5. Development Standards in UD Overlay Districts..... 7-23  
1707-4.6. Approval ..... 7-26  
1707-4.7. Appeal..... 7-26  
**Sec. 1707-5. Interim Development Controls Overlay District.....7-27**  
1707-5.1. Purpose ..... 7-27  
1707-5.2. Applicability and Zoning Map Designator ..... 7-27  
1707-5.3. Establishment of IDC Overlay Districts..... 7-27  
1707-5.4. IDC Application Review Guidelines ..... 7-27  
1707-5.5. Three-Month IDC Overlay Districts..... 7-28  
1707-5.6. One-Year IDC Overlay Districts..... 7-28  
1707-5.7. Extension of IDC Overlay Districts ..... 7-28  
1707-5.8. Applications Subject to Review..... 7-29  
1707-5.9. Standards for Review ..... 7-29  
1707-5.10. Review of Permit Applications..... 7-29  
1707-5.11. Appeal ..... 7-30

# Sec. 1707-1. Historic Preservation Overlay District

## 1707-1.1. Definitions

**Adversely Affected Person.** "Adversely Affected Person" means the applicant, property owner, or any other person, organization, association, entity, or city official who has appeared before the Historic Conservation Board personally, by representative, or in writing on a matter affecting such party, or who has attended a pre-hearing conference on a matter affecting such party.

**Alteration.** "Alteration" means a change in either the supporting members of a building, such as bearing walls, columns, beams and girders or in the dimensions or configuration of the roof or exterior walls.

**Certificate of Appropriateness.** "Certificate of Appropriateness" means a certificate issued by the Historic Conservation Board or Urban Conservator, as applicable, indicating that a proposed alteration or demolition is in accordance with the provisions of this chapter.

**Demolition.** "Demolition" means any act or process that razes, removes, or destroys, in whole or in part a Historic Asset or non-contributing structure, or the substantial deterioration of a Historic Asset or non-contributing structure.

**Historic Asset.** "Historic Asset" includes the following: (i) a Historic Structure within a Historic District; (ii) a Historic Landmark; or (iii) a Historic Site.

**Historic District.** "Historic District" means an identifiable area comprised of two or more parcels and containing two or more Historic Assets typical of one or more eras in the city's history, or representing an assemblage of structures important to the city's history that is designated as such pursuant to the provisions of this code.

**Historic Landmark.** "Historic Landmark" means a Historic Structure or Historic Structures located on a single parcel or contiguous parcels that is designated as such pursuant to the provisions of this code.

**Historic Significance.** "Historic Significance" means: (a) the attributes or characteristics of a district, site or structure that possess integrity of location, design, setting, materials, workmanship, feeling and association; (b) a district, site or structure that is associated with events that have made a contribution to the broad patterns of our history; (c) a district, site or structure that is associated with the lives of persons significant in the past; (d) a district, site or structure that embodies the distinctive characteristics of a type, period or method of construction; (e) a district, site or structure that represents a significant and distinguishable entity whose components may lack individual distinction; or (f) a district, site or structure that has yielded, or may be likely to yield, information important in prehistory or history.

**Historic Site.** "Historic Site" means real property on which a Historic Structure is located or on which there is no structure but that is itself of Historic Significance and that is designated as such pursuant to the provisions of this chapter.

**Historic Structure.** "Historic structure" means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or

- 4) Individually listed on the inventory of historic places maintained by the City of Cincinnati's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

**Non-Contributing Structure.** A "Non-Contributing Structure" is a structure located within a Historic District or Historic Site, or that is associated with a Historic Landmark, that does not have Historic Significance.

## 1707-1.2. Specific Purposes and Intent

The specific purposes and intent of the provisions of this chapter are as follows:

- A. Historic preservation;
- B. To promote the public health, safety and welfare;
- C. To foster the beauty of the city;
- D. To stabilize and increase property values;
- E. To strengthen the local economy;
- F. To maintain and enhance the distinctive character of historic buildings and areas;
- G. To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture, archaeology, engineering or culture;
- H. To protect and enhance the city's attractions to current and prospective residents, businesses and tourists;
- I. To facilitate reinvestment in and revitalization of certain districts and neighborhoods;
- J. To facilitate and encourage economic development, public and private investment, and tourism in the city;
- K. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- L. To maintain the historic urban fabric of the city.  
(~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

## 1707-1.3. Administration

The following provisions are for the administration of the regulations set forth in this Sec. 1704~~7~~-1, Historic Preservation Overlay District. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

## 1707-1.4. Applicability

Except as otherwise provided in Sec. ~~1704-1.210~~ 1707-1.11, Relationship to Other Special Districts, all regulations of the underlying zone districts and other applicable overlay districts apply to and control property in a Historic District or for a Historic Asset; provided, however, that in the case of conflict between the provisions of the underlying zone district, other applicable overlay districts, and the regulations of this Section shall govern. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

## 1707-1.5. Urban Conservator

The position of Urban Conservator is established pursuant to Article II, §14 of the City of Cincinnati Administrative Code. The Urban Conservator acts as the secretary to the Historic Conservation Board and has the duties set forth herein, including, but not limited to, the duty to facilitate the processing of certificates of appropriateness. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

## 1707-1.6. Historic Conservation Board

The Historic Conservation Board is established pursuant to Article II, §14 of the City of Cincinnati Administrative Code. The Board shall adopt rules and procedures to govern its meetings and hearings. The Board's membership and terms shall be determined by Article II, §14 of the City of Cincinnati Administrative Code. In addition to its duties in this Section, the Board shall work with city departments and assist departments in recommendations to Council on methods of financing public improvements in Historic Districts if those improvements require additional expenditures as a result of historic design. Any such recommendation shall be advisory only and shall not be binding or appealable

by any party. All interested city departments may likewise consult with the Urban Conservator. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **1707-1.7. Variances, Special Exceptions and Conditional Uses**

- A. Whenever an application is made for a variance, special exception or conditional use relating to property wholly or partially located within a Historic District or involving a Historic Asset, the Historic Conservation Board exercises the authority granted to the Zoning Hearing Examiner in Chapter ~~1708-1751~~, Administration, ~~of the Cincinnati Land Development Code~~. In such cases, the provisions of Chapter ~~1708-1751~~, Administration, where not inconsistent with the provisions of this Section, apply to the exercise of the authority prescribed therein.
- B. The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Land Development Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:
  - 1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
  - 2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Sec. ~~1707-1.10.B.1.a.iii.~~ ~~1704-~~
  - 3. ~~1707-1.10~~, Certificates of Appropriateness; Procedures. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **1707-1.8. Appeals**

Any Adversely Affected Person may appeal a decision of the Historic Conservation Board or the Urban Conservator, as applicable, made under this Section to the Zoning Board of Appeals pursuant to Chapter ~~1708-1751~~, Administration. Notwithstanding anything to the contrary contained in this Section or Chapter ~~1708-1751~~, Administration, all appeals of certificates of appropriateness shall be to the Zoning Board of Appeals pursuant to Sec. ~~1708-51751-6~~, Zoning Board of Appeals ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **1707-1.9. Severability**

If any portion of this Sec. ~~1704-1707-1~~, Historic Preservation Overlay District shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this Section as a whole or any other part thereof. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **1707-1.10. Preserving a Structure**

#### **A. Becoming a Historic Structure; Determination of Historic Significance.**

- 1. For purposes of this Sec. ~~1704-1707-1~~, Historic Preservation Overlay District, a structure or group of structures may be deemed as having Historic Significance if it has at least one of the following attributes:
  - a. Association with events that have made a significant contribution to the broad patterns of our history; or
  - b. Association with the lives of persons significant in our past; or
  - c. Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- d. That has yielded, or may be likely to yield, information important in prehistory or history.
2. For purposes of Sec. ~~1704-1-1707-1~~, Historic Preservation Overlay District, a structure or group of structures may not be deemed as having Historic Significance solely because it is:
- a. A cemetery, birthplace, grave of a historical figure or a property owned by religious institutions or used for religious purposes, unless it is a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
  - b. A structure that has been moved from its original location, is a reconstructed historic structure, is a property primarily commemorative in nature or a property that has been erected within the past 50 years, unless the structure or property is an integral part of a district that meets the above criteria or falls within one or more of the following categories:
    - i. A structure removed from its original location but that is significant primarily for architectural value or that is the surviving structure most importantly associated with a historic person or event; or
    - ii. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or structure directly associated with the subject's productive life; or
    - iii. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
    - iv. A reconstructed structure when accurately executed in a suitable environment and presented in

a dignified manner as part of a restoration master plan and when no other structure with the same association has survived; or

- v. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
- vi. A property achieving significance within the past 50 years if it is of exceptional importance or is unique within the city.

~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

## **B. Becoming a Historic Asset; Designation of Historic Landmarks, Historic Districts and Historic Sites.**

### **1. Applications**

Application for the consideration of the designation of a Historic District, Historic Landmark or a Historic Site may be made by the filing of a designation application, in such form as the Historic Conservation Board may prescribe, by the owner of the subject property or by the owner of a property within the area proposed to be designated, by Council or a member of Council, by the City Manager, by the Urban Conservator, by the City Planning Commission, or by a local community organization, including, but not limited to, preservation associations and community councils. No Historic Structure or Historic Site may be demolished or excavated during the pendency of a designation application, which commences upon the filing of a complete designation application. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **2. Report, Public Hearing and Decision**

The procedure for the consideration of an application for the designation of a Historic Landmark, Historic District or Historic Site is as follows:

- a. Report. Within ~~sixty (60)~~ days of the receipt of a completed designation application, the Urban Conservator has the duty to prepare and send to the Historic Conservation Board a report and proposed conservation guidelines for the Historic Landmark, Historic District or Historic Site and a proposed boundary map for any Historic District. For a proposed Historic District, the Urban Conservator shall prepare and send to the Historic Conservation Board a list of all structures within the proposed Historic District that the Urban Conservator considers to be Non-Contributing Structures. Not later than ~~thirty (30)~~ days after receipt of the Urban Conservator's report and proposed conservation guidelines, the Historic Conservation Board shall schedule a public hearing on the proposed designation.
- b. Historic Conservation Board. After a public hearing on the proposed designation, the Historic Conservation Board has the duty to decide whether to recommend designation of the proposed Historic Landmark, Historic District or Historic Site and forward its decision, whether favorable or not, along with the proposed conservation guidelines to the City Planning Commission.
- c. City Planning Commission. Within ~~thirty (30)~~ days of the transmittal of the decision and recommendation of the Historic Conservation Board, the City Planning Commission shall hold a public hearing to determine whether to follow the recommendation of the Historic Conservation Board. In making such determination, the City Planning Commission shall consider all of the following factors:
  - i. The relationship of the proposed designation to the comprehensive plans

of the city and of the community in which the proposed Historic Landmark, Historic District or Historic Site is located; and

- ii. The effect of the proposed designation on the surrounding areas and economic development plans of the city; and
- iii. Such other planning and historic preservation considerations as may be relevant to the proposed designation. After a public hearing on the proposed designation and conservation guidelines, the City Planning Commission has the duty to decide whether to approve or disapprove the designation and forward its decision, whether favorable or not, along with the conservation guidelines to Council.
- iv. Council. Upon receipt of the decision of the City Planning Commission, Council shall vote to ordain or overrule the City Planning Commission's decision. A simple majority of the members elected to Council is required to ordain a designation; provided, however, if the City Planning Commission disapproves the designation, a two-thirds majority vote of Council is required to overrule the City Planning Commission's decision.

~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **3. Adoption of Conservation Guidelines**

At the time of designation of a Historic Landmark, Historic District or Historic Site, Council has the duty to adopt conservation guidelines for each Historic Landmark, Historic District or Historic Site. Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation



guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city, as well as all of the factors listed in paragraph ~~1704-1.90(b)-1707-1.9.B.~~ above. Conservation guidelines shall address Non-Contributing Structures. Approved conservation guidelines shall be published on the City's website and be made available for public inspection in the Department of City Planning and Buildings. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

#### 4. Notice

Upon enactment of a designation, the Clerk of Council has the duty to promptly notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning and Buildings, and the City Solicitor. The Urban Conservator has the duty to provide notice of such designation in the City Bulletin. Once designated, a Historic Landmark, Historic District or Historic Site shall be shown on the city's official zone map by the designation "HL," "HD" or "HS" appended to the underlying zone designation. A Historic Landmark, Historic District or Historic Site may be designated as an overlay on any other zoning district or combined with any other overlay district. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### C. Repeal of Designation

A designation may be repealed if the property owner petitions the Historic Conservation Board in writing setting forth clear and convincing evidence that the qualities which caused the Historic Landmark, Historic District or Historic Site to be originally designated have been lost or destroyed. Upon petition, the process for the repeal of a designation is the same as prescribed for designation as set forth in Sec. ~~1704-1.90-1707-1.9.~~ Preserving a Structure, above. The Historic Conservation Board shall consider the repeal of the designation of a Historic Landmark, Historic District or Historic Site that is lawfully demolished or destroyed at its next regularly scheduled meeting and shall act at that meeting to make a recommendation to the City Planning Commission, which shall consider the matter at its next regularly scheduled meeting. City Council shall then vote on the repeal of the designation at its next regularly scheduled meeting. Upon repeal of the designation, the associated conservation guidelines shall be null and void and of no further force or effect as to said Historic Landmark, Historic District or Historic Site. Upon the repeal of any designation, the city's official zone map shall be amended to remove the designation. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### D. Amendment of Conservation Guidelines

The conservation guidelines for Historic Landmark or Historic Site may be amended if the property owner petitions the Historic Conservation Board in writing setting forth the justifications for the amendment and the proposed changes to the conservation guidelines. Amendment of the conservation guidelines for a Historic District may be initiated by the Historic Conservation Board. Once initiated, the process for the amendment of conservation guidelines is the same as prescribed for the adoption of conservation guidelines as set forth in Sec. ~~1704-11.9(b)(ii), (iii) and (iv)-1707-1.9.B. (2), (3) and (4)~~ above. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

## **1707-1.11. Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance**

No one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness in accordance with this Subsection. Alterations requiring a certificate of appropriateness shall include infill development in a Historic District.

~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **A. Certificates of Appropriateness; Procedures**

The following sets forth the procedures and standards for obtaining a Certificate of Appropriateness: ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

#### **1. Application**

Applications for Certificates of Appropriateness shall be filed with the Urban Conservator on such forms and upon the payment of such fees as may be prescribed by the Historic Conservation Board from time to time. Upon receipt of an application, the Urban Conservator shall time stamp and date the face of the application. Not later than ~~ten~~(10) business days after receipt of an application, the Urban Conservator shall notify the applicant by e-mail, if an e-mail address is provided, and if not, by regular mail, of any deficiencies in the application. An application shall be deemed perfected when all information required by the application form has been submitted and all fees are paid in full. The Urban Conservator shall have the right to request additional information from the applicant at any time prior to a hearing before the Historic Conservation Board. The effective date of the application, for all purposes, shall be the date that the application is perfected, and such date shall be clearly noted on the first page of the application. The

applicant's address set forth on the application shall be the address used by the City for all purposes herein unless updated in writing to the Urban Conservator by the applicant. If the applicant fails to perfect an application after all applicable notice and cure periods have run, the application shall be deemed rejected. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

#### **2. Historic Conservation Board Review and Determination**

The Historic Conservation Board has the duty to make a final appealable determination on a perfected application for Certificate of Appropriateness within a reasonable amount of time after the application is perfected, but in no event more than ~~sixty~~(60) days thereof unless the applicant agrees to an extension of time or unless the Board requests additional information from the applicant and tables or continues the matter. A continued matter must be heard at the next regularly scheduled meeting of the Board. A tabled matter must be taken off the table and finally determined within ~~thirty~~(30) days after the matter was tabled. The Board may approve, approve with conditions, or deny an application for Certificate of Appropriateness. The Board's determination on an application for Certificate of Appropriateness shall be made in writing on the Certificate of Appropriateness indicating the Board's approval, conditional approval, or denial of the application, and shall contain findings of fact and conclusions of law and shall be issued by the Urban Conservator to the applicant by certified mail not later than ~~ten~~(10) business days after the date of the Board's final appealable determination, and that writing shall constitute the final appealable order of the Board. Any denial of an application shall also include a statement of the reasons why the application failed to comply with the applicable guidelines. Failure of the Urban Conservator to issue a Certificate of Appropriateness within

such time period shall not invalidate the Board's determination, but shall extend the time for which the applicant has to appeal the Board's determination by ~~one~~(1) day for each day the Certificate of Appropriateness is late. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **3. Urban Conservator Review and Determination**

The Historic Conservation Board may delegate to the Urban Conservator the authority to grant Certificates of Appropriateness within ~~thirty~~(30) days of the filing of a perfected application without referral to the Historic Conservation Board and without a public hearing in the case of minor alterations of the type and scope that the Historic Conservation Board may from time to time specify in writing to the Urban Conservator. Notwithstanding anything to the contrary contained herein, the term "minor alterations" shall not include structural alterations or demolition. The Urban Conservator's determination shall be made in writing on the Certificate of Appropriateness indicating the Urban Conservator's approval, conditional approval, or denial of the application, and shall be issued by the Urban Conservator within the above 30-day period, and that writing shall constitute a final appealable order of the Board. If the Urban Conservator fails to issue the Certificate of Appropriateness by the last day of the prescribed time period, then the application shall be deemed approved as submitted. Notwithstanding the delegation of authority to the Urban Conservator, the applicant may make written request that the Board consider the application notwithstanding the delegation of authority to the Urban Conservator. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **4. Notice of Application**

Within ~~ten~~(10) days after the perfection date thereof, the Urban Conservator shall send notice of all applications for Certificates of

Appropriateness to all city departments with authority over any aspect of the activities proposed, to all owners of properties located within ~~two hundred feet~~(200') ~~feet~~ of all of the boundaries of the subject property, and to the community council in which the subject property is situated and to all abutting property owners. Such notice shall be by regular mail and electronic mail, if addresses have been provided or are otherwise readily available. In such notice, the Urban Conservator may request and propose a time, date and place for a prehearing conference, to which the applicant, the property owner, and all interested city departments, and the aforementioned community council shall be invited. At such prehearing conference, the comments and recommendations of all interested city departments concerning their respective authority over the proposed improvements and their advice as to the appropriateness of the proposed improvements may be received and discussed with the applicant. No member of the Historic Conservation Board shall be present at any prehearing conference. All interested departments and civic organizations may promptly advise the Board in writing of their respective recommendations for approval, conditional approval, disapproval or modifications of the proposed improvements. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### **5. Notice of Hearing**

For all Certificates of Appropriateness that are to be considered by the Historic Conservation Board as set forth in 1707-1.11A(2) above, the Board has the duty to provide notice of its hearing on an application to be postmarked by the U.S. Postal Service at least ~~seven~~(7) days in advance of the hearing. Such notice shall be by regular mail and electronic mail, if addresses have been provided or are otherwise readily available, sent to the applicant, all owners of

abutting properties, all owners of properties located within two hundred feet (200') of all of the boundaries of the subject property, the community council in which the subject property is situated, and to any other person who have made written requests to be notified of applications. The Board has the duty to publish a notice of each such application for a Certificate of Appropriateness in the City Bulletin at least ~~seven (7)~~ days in advance of acting on the application. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

## **B. Certificates of Appropriateness; Standards for Review**

1. In accordance with Sec. ~~1704-1.200(a)~~ 1707-1.10.A, Certificates of Appropriateness; Procedures, above, the Historic Conservation Board has the duty to review and make a determination on all Certificates of Appropriateness in the manner prescribed herein for the purpose of furthering the conservation and integrity of the Historic Asset or Historic District affected. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
  - a. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
  - b. That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved. In determining whether the property owner has demonstrated an economic hardship ~~for purposes of (b) above~~, the Historic Conservation Board shall consider all of the following factors:
    - i. Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

- ii. Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and
- iii. Whether the economic hardship was created or exacerbated by the property owner. In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

- a). A property's current level of economic return;
- b). Any listing of property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents;
- c). The feasibility of alternative uses for the property that could earn a reasonable economic return;
- d). Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
- e). Knowledge of landmark designation or potential designation at time of acquisition; and/or
- f). Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

2. Whenever a Certificate of Appropriateness is required pursuant to the provisions of this chapter, the Director of City Planning and Buildings may not issue a building permit until a Certificate of Appropriateness has been approved or approved with conditions. In the event that the standards in this Sec. ~~1704-1.200(b)~~ 1707-1.10.B, Certificates of Appropriateness; Standards for Review, conflict with any standards set forth in any conservation

guidelines, the standards set forth herein shall govern and control. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

### C. Demolition Delay

In addition to the provisions of Sec. ~~1704-1.200(a)-1707-1.10.A.~~ and ~~1704-1.200(b) Sec. 1707-1.10.B.~~ above, if an application for a Certificate of Appropriateness seeks approval of demolition, the Historic Conservation Board may delay determination of the application for a period of 180 days on a finding that alternatives to Demolition may be feasible and should be actively pursued by both the applicant and the Historic Conservation Board. In the event that action on an application is delayed as provided herein, the Historic Conservation Board may take such steps as it deems necessary to preserve the Historic Asset concerned, in accordance with the purposes of this chapter and in accordance with Cincinnati Municipal Code Chapter 1101. Such steps may include but may not be limited to consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features. No demolition shall take place until permitted pursuant to the provisions of this chapter and the Cincinnati Building Code. Any unlawful demolition of a Historic Asset shall be punishable by the criminal and civil penalties set forth in Sec. 1751-8. Enforcement and Penalties Chapter 1451 below and the Cincinnati Municipal Code. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

### D. Minimum Maintenance Requirement; Demolition by Neglect.

The owner of a Historic Asset has the duty to provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration. The provisions of this Section shall be in accordance with Sec. ~~1704-1.210 below~~ 1751-8.8 and Cincinnati Municipal Code Chapter 1101. Any failure to comply with this Section

or Sec. ~~1704-1.210, below~~ 1751-8.8 shall be an unlawful demolition which shall be punishable by the criminal and civil penalties set forth in the Cincinnati Municipal Code and Sec. 1751-8.8 Section 1451-13 and 1451-15 below. The Urban Conservator, in cooperation with the Department of Community Development, shall maintain a list of Historic Assets that are deemed to be neglected and shall publish that list on the City's website annually. (~~Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012~~)

### E. Exceptions from Requirement to obtain Certificate of Appropriateness.

1. Nothing in this chapter is to be construed to prevent or regulate:
  - a. Ordinary and routine maintenance or repair to a Historic Asset if it entails no alteration.
  - b. Emergency repairs to public property.
  - c. Emergency demolition, when the Director of City Planning and Buildings, Chief Building Official, and the Fire Chief certify in writing that demolition is required for the immediate preservation of public safety because of an unsafe or dangerous condition that constitutes an emergency. Such determination shall be made in accordance with Cincinnati Municipal Code Chapter 1101. In making a determination about whether to issue an emergency demolition permit, the Chief Building Official shall do all of the following: (i) consult with the Urban Conservator; (ii) review all permit applications for the property filed within a period of two (2) calendar years prior to the emergency; (iii) review City records to account for all City orders which have been placed upon the property during the period of ownership by the current owner; and (iv) review City records to determine whether a vacated building maintenance license has been applied for or issued for the property.
  - d. A Public Infrastructure improvement that Council has expressly approved or that is

required to be installed or maintained by law.

2. For purposes of this Section, the term "Public Infrastructure" shall mean any public utility line, street, roadway, or transit improvement or facility, signalization, directional or safety signage, streetscape, sidewalk or other public safety improvement, and shall not be deemed to include public buildings, parks, paver alleys, granite curbs, plazas or skywalks. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

## 1707-1.12. Relationship to Other Special Districts

### A. Relationship to Overlay Districts

The following sets forth the relationship between overlay zoning districts and Historic Assets or Historic Districts located within or overlapping such overlay districts: (Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)

#### 1. Urban Design (UD) Overlay Districts

Whenever a Historic Asset or Historic District is located within or overlaps an Urban Design Overlay District, the provisions of this chapter control over any conflicting provisions of Sec. 1707-4, Urban Design Overlays, ~~of the Cincinnati Land Development Code~~. In any such case the authority of the Zoning Hearing Examiner specified in Chapter 1751, Administration, is transferred to the Historic Conservation Board and all references to the examiner therein interpreted as references to the Historic Conservation Board. In such cases, the provisions of Chapter 1751, Administration, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

#### 2. Hillside (HS) Overlay Districts

Whenever a Historic Asset or Historic District is located within or overlaps a Hillside Overlay District, the provisions of this chapter control over any conflicting provisions of Sec. ~~1704-2~~ 1707-2, Hillside Overlay District of the Cincinnati Land Development Code. In any such case the authority of the Zoning Hearing Examiner specified in Chapter ~~1708~~ 1751, Administration, is transferred to the Historic Conservation Board and all references to the examiner therein interpreted as references to the Historic Conservation Board. In such cases, the provisions of Chapter ~~1708~~ 1751, Administration, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

### B. Relationship to Planned Development (PD) Districts:

Whenever a planned development district is located within or overlaps a Historic District or contains a Historic Landmark or Historic Site, the provisions of this Section and any applicable conservation guidelines shall apply and shall be fully incorporated in the final development plan for the planned development district. More specifically, the process for reviewing and issuing a certificate of appropriateness in a planned development district is as follows:

#### 1. Concept Plan Approval Stage

The Urban Conservator shall review all concept plans submitted for the creation of new planned development districts located within or overlapping a Historic District or containing a Historic Landmark or Historic Site. Prior to the City Planning Commission's review of a concept plan, the Urban Conservator shall identify any and all necessary certificates of appropriateness in writing to the City Planning Commission. If no certificates of appropriateness are identifiable on the concept plan, then the Urban



Conservator shall indicate as such in writing to the City Planning Commission. The City Planning Commission's approval of any such concept plan shall be expressly conditioned upon the approval of the certificates of appropriateness identified by the Urban Conservator as part of the final development plan.

## **2. Final Development Plan Approval Stage**

The Historic Conservation Board shall review all final development plans submitted for the creation of a new planned development district located within or overlapping a Historic District or containing a Historic Landmark or Historic Site. Prior to the City Planning Commission's review of a final development plan, the Historic Conservation Board shall make written findings to the City Planning Commission about its approval, conditional approval, or denial of any certificates of appropriateness identified in (i) above, and for any additional certificates of appropriateness that it may identify that were not readily apparent from the concept plan. In reviewing a final development plan, the City Planning Commission may overrule the Historic Conservation Board's written findings by a two-thirds (2/3) majority vote of the City Planning Commission; which shall constitute a final order of the City Planning Commission appealable to the Zoning Board of Appeals pursuant to ~~Chapter XXX~~ Sec. 1703-8.11.

## **3. Post Final Development Plan Approval**

All certificates of appropriateness which may be required by this Section after the approval of a final development plan shall be reviewed and determined in accordance with Sec. ~~1704-1.200~~ 1707-1.10, Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, above. ~~(Ordained by Ord. No. 217-2012, § 1, eff. July 20, 2012)~~

## **C. Relationship to Downtown Development (DD) District**

Whenever a Historic District or Historic Asset is located within or overlaps the Downtown Development District, the provisions of this chapter control over any conflicting provisions of Sec. ~~1702-8 1703-7~~, Downtown Districts, ~~of the Cincinnati Land Development Code~~. In any such case the authority of the Zoning Hearing Examiner or the person or persons responsible for design review specified in Sec. ~~1702-8 1703-7~~, Downtown Districts, is transferred to the Historic Conservation Board and all references to the examiner or the person or persons responsible for design review therein are interpreted as references to the Historic Conservation Board. In such cases, the provisions of Sec. ~~1702-8 1703-7~~, Downtown Districts, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein.

## Sec. 1707-2. Hillside Overlay District

### 1707-2.1. Purpose

In hillside areas, the existence of a 20% slope, in combination with the KOPE geologic formation, is evidence of natural critical stability. Development under conventional standards may create landslides or excessive soil erosion. Hillside Overlay District regulations are necessary to establish standards to assist in the development of land and structures in existing hillside areas so that development will be compatible with the natural environment and respect the quality of the urban environment in those locations where the hillsides are of significant public value as determined by the City policy as outlined in the document “A Hillside Protection Strategy for Greater Cincinnati”, 1991. The following standards are intended to prevent damage to the City's hillsides by minimizing:

- A. Blighting influences caused by the application of conventional land use regulations to lots in areas having sensitive environmental qualities.
- B. The impact on or creation of unstable land.
- C. Significant damage to or destruction of hillsides or valleys.
- D. Significant damage to the economic value and efficiency of operation of existing properties or new developments due to the interdependence of their visual and functional relationships.
- E. Soil erosion and stream siltation.
- F. Destruction of mature trees and existing vegetation which serves to stabilize the hillsides and promotes a green visual landscape.

### 1707-2.2. Applicability

This Chapter applies to all development within a Hillside Overlay District.

- A. The following types of development are exempt from the provisions of this Chapter but remain subject to all other applicable laws and regulations:

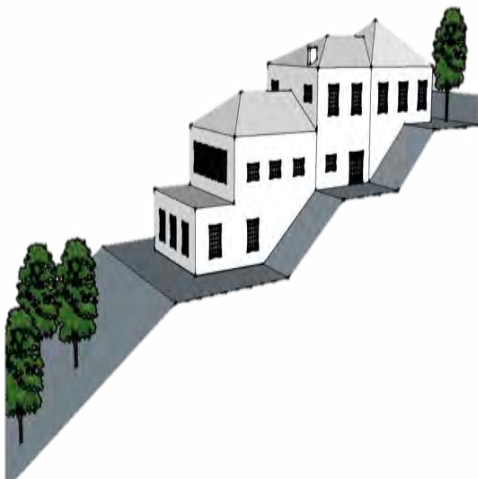
- 1. Roof, gutter, and chimney repair or replacement.
  - 2. Interior alterations and repairs, demolition or wrecking, driveways, fences, and signs.
  - 3. Construction of public utilities in the public right-of-way.
  - 4. Development for compliance with retroactive provisions of the Cincinnati Building Code.
  - 5. Development necessary for compliance with a lawful order of the Director, including deficiencies listed in Certificates of Inspection.
  - 6. Development necessary to ensure the immediate public health or safety by issued order from the Director.
- B. In the event of a conflict between the regulations of an underlying zoning district and the Hillside Overlay District, the regulations of the Hillside Overlay District shall govern. In the event of a conflict between the regulations of a Historic Preservation District or regulations for a designated Historic Landmark and the Hillside Overlay District, the historic regulations shall govern.

### 1707-2.3. Development Requirements

All non-exempt development in a Hillside Overlay District should comply with the guidelines established in the 1975 “Cincinnati Hillsides Development Guidelines” as prepared by the Cincinnati Institute for the City Planning Commission. Hillside development must also comply with the following requirements:

- A. Compliance with Zoning. Plans for development must comply with underlying zoning district development regulations.
- B. Height Versus Width. Buildings constructed on the top of the hillside must be taller than wider to accentuate the vertical dimension of the structure.

- C. Stepping. Buildings constructed below or above the brow of the hillside must be staggered or stepped in depth and width to match topography and slope of the hillside.
- D. Maximum Retaining Wall Height. Retaining walls shall not exceed eight feet in height measured from the finished grade. If more than eight feet of height is needed, a benched or terraced wall system shall be used to break up the mass of the wall.
- E. Rooftop Utilities. Rooftop utilities and mechanical equipment are prohibited. If rooftop utilities and mechanical equipment are necessary, screening and sound control must be provided to integrate them into the rooftop.
- F. Landscaping of Pervious Surfaces. All pervious surfaces remaining after the completion of construction must be landscaped in trees, shrubs, grass, or other ground covers to promote hillside stability and reduce excessive water runoff onto adjacent properties.
- G. Cut and Fills. All cuts and fills must be necessary to accommodate hillside development and be designed to minimize excavation required for foundations, parking, and access drives. The sum of all cuts and fills on a lot may not exceed eight feet in height and may not leave cliff-like vertical slopes. If more than four feet of height is needed, a benched or terraced wall system shall be used to break up the mass of the wall.
- H. Building Design. All structures must be designed to fit into the hillside rather than requiring alteration of the hillside to accommodate a structure.
- I. Tree Cover and Vegetation. New development must be performed in a manner that maximizes surrounding tree cover and minimizes alterations to the existing topography.
- J. Hillside Brow. Buildings must be setback from the brow of the hill to maintain a clear sense of the hillside brow
- K. Common and Public View. Buildings must be sited to reduce the impact on views from public viewing places and the views of neighboring property owners.
- L. Streets and Drives. To minimize grading any new street or drive designed to access multiple parcels must follow natural terrain contours to the extent possible.
- M. Cincinnati Hillside Development Guidelines. Development must conform to the policies contained in the "Cincinnati Hillside Development Guidelines."



#### 1707-2.4. Approval of Hillside Development

- A. If the Director finds that a hillside development meets the requirements of this Chapter and all other applicable requirements of the LDC, the Director will issue a permit for the proposed work.
- B. If the Director determines the application does not conform to the requirements of this Chapter, a hearing and decision by the Zoning Hearing Examiner is required prior to the issuance of a zoning permit.
- C. The Zoning Hearing Examiner shall consider the application for development in the Hillside Overlay District in accordance the standards and procedures established in [Sec. 1707-2.3 § 1704-2.70](#).

#### 1707-2.5. Appeal

Any party with standing may appeal a final decision of the Zoning Hearing Examiner to the Zoning Board of Appeals within 30 days after the mailing of the decision.

## **1707-2.6. Establishment of a Hillside Overlay District**

City Council may establish ~~has~~ Hillside Overlay Districts upon determining that the area proposed for designation contains four of the following seven characteristics:

- A. Slopes of 20% or greater;
- B. Existence of KOPE geologic formations;
- C. A minimum of one acre of contiguous land area;
- D. Prominent hillsides that are readily visible from a public thoroughfare located in a valley below a hillside;
- E. Hillsides that provide views of a major river, stream or valley;
- F. Hillsides functioning as community separators or community boundaries as identified in a community plan accepted and approved by the Planning Commission; and
- G. Hillsides that support a substantial natural wooded cover.

- F. Hillsides functioning as community separators or community boundaries as identified in a community plan accepted and approved by the City Planning Commission; and
- G. Hillsides that support a substantial natural wooded cover.

## **1707-2.7. What are the Criteria for the Establishment of an HS Overlay District?**

City Council may establish HS Overlay Districts to include at least 50% of the area within one or more of the 23 hillside areas listed in the Hillside Study, "A Hillside Protection Strategy for Greater Cincinnati – Volume2: Identifying Greater Cincinnati's Sensitive Hillsides". In order to consider the application of an HS District, the area must contain four of the following seven characteristics:

- A. Slopes of 20% or greater;
- B. Existence of KOPE geologic formations;
- C. A minimum of one acre of contiguous land area;
- D. Prominent hillsides that are readily visible from a public thoroughfare located in a valley below a hillside;
- E. Hillsides that provide views of a major river, stream or valley;

## Sec. 1707-3. Stream Corridor Setbacks Overlay District

### 1707-3.1. Purposes

The general purposes of stream corridor setbacks are to:

- A. Provide areas for natural meandering and lateral movement of stream channels in order to protect life and prevent or minimize property damage from soil erosion and flooding; and reduce public costs for flood control, rescue, and relief efforts occasioned by unwise use or occupancy of floodplains.
- B. Maintain natural stream flow characteristics that absorb peak flows, help manage the velocity of floodwaters and regulate base flow.
- C. Naturally stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- D. Maintain water quality and minimize or remove pollutants delivered in stormwater through the natural capacity of riparian areas to filter ~~and purify~~ run-off.
- E. Maintain and provide a riparian canopy to shade streams and promote desirable aquatic organisms and fish habitats.
- F. Comply with Federal and State laws and regulations that address the need for floodplain management and protection.
- G. ~~Reduce water treatment cost.~~
- H. Protect wetlands.
- I. Minimize the impact of development on the natural, beneficial values of the floodplain.
- J. Prevent floodplain uses that are either hazardous or environmentally incompatible.
- K. Minimize the impact of development on adjacent properties within and near flood prone areas.

### 1707-3.2. Definitions

For the purposes of this Section, the following terms have the following meanings:

**Bank.** "Bank" means the land area bordering the stream channel equivalent to the width delimited by the ordinary high water mark.

**Clean Water Act.** "Clean Water Act" means the federal law entitled the Federal Water Pollution Control Amendments of 1972 and codified at 33 U.S.C. §1251 et seq.

**Drainage Area.** "Drainage area" means a contiguous geographical region, confined by drainage divides, having one common outlet for drainage discharge.

**Erosion.** "Erosion" means the wearing away of the land surface by the action of the wind, water, gravity, or other natural process.

**Floodplain.** "Floodplain" means the area next to a stream or a river that experiences flooding when water comes out of the banks of the main channel.

**Ordinary High Water Mark.** "Ordinary High Water Mark" is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

**Organic Farming:** "Organic farming" means a form of agriculture that does not use any synthetic fertilizers or pesticides.

**Riparian/Buffer Zone.** "Riparian/Buffer Zone" means the vegetated area along both sides of water bodies and wetlands that generally consist of trees, shrubs and grasses. Riparian buffer zones act as buffers to protect surface waters from contamination and are habitats for a large variety of animals and birds.

**Rivers and Harbors Act of 1899.** "Rivers and Harbors Act of 1899" means the federal law codified at 33 U.S.C § 401 et seq.

**Section 401 Permit.** “Section 401 permit” means a permit issued under Section 401 of the Clean Water Act.

**Section 404 Permit.** “Section 404 permit” means a permit issued under Section 404 of the Clean Water Act.

**Slope.** “Slope” means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**(Stormwater.** “Stormwater” means any surface flow, runoff, and drainage resulting from a precipitation event consisting entirely of water from any form of natural precipitation, including snow melt.

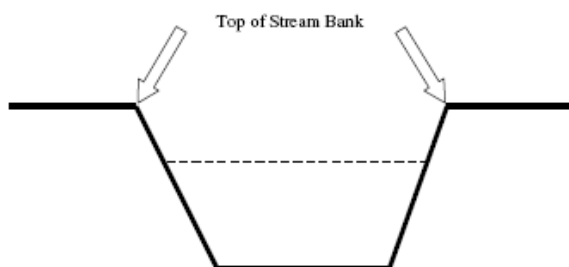
**Stream.** “Stream” means a surface watercourse having a channel with a well-defined bed and bank, either natural or artificial, which confines and conducts continuously or periodically flowing water in such a way that creates an ordinary high-water mark with the watercourse.

**Stream, Open.** “Open stream” means stream which are not diverted into a pipe or drainage system.

**Stream Crossing.** “Stream Crossing” means any bridge, box, arch, culvert, truss or other type of structure or facility intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole-mounted aerial electric or telecommunication lines, nor does it include below-grade utility lines.

**Toe of Slope.** “Toe of slope” means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade. On compound slopes where there may be more than one possible toe location, the controlling point shall be whichever toe location provides the greater hill area.

**Top of Stream Bank.** “Top of stream bank” means the well-defined break at the top of bank slope, where the flood plain begins.



**Watercourse.** “Watercourse” means the channel through which a flow of water occurs, either continuously or intermittently.

**Wetlands.** “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in water-saturated soil conditions, including, but not limited to, swamps, marshes, bogs, and similar areas.

### 1707-3.3. Applicability

This Section ~~1421-45~~ 1707-3 applies to all land areas and natural features within a stream corridor setback as established herein. The regulations contained in this Section ~~1421-45~~ 1707-3 are in addition to all regulations of the applicable zoning district and all applicable overlay districts; provided, however, that in the case of a conflict with the provisions this Section ~~1421-45~~ 1707-3, the regulations contained in this Section ~~1421-45~~ 1707-3 shall govern. The requirements of federal or state permits issued under Sections 401 or 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 shall govern when in conflict with the requirements of this Section ~~1421-45~~ 1707-3. Further, this Section ~~1421-45~~ 1707-3 is intended to compliment CMC Chapter 1109, and to the extent that it conflicts with any provisions of CMC Chapter 1109, then CMC Chapter 1109 shall govern. This Section ~~1421-45~~ 1707-3 is intended to compliment any riparian/buffer zones that are established and recorded prior to the initiation of any proposed development or land use changes. Where any conflict with any provisions of any established and recorded riparian/buffer zones arise, then the provisions of the riparian/buffer zone shall govern.

### 1707-3.4. Establishment of Stream Corridor Setbacks

The stream corridor setbacks established in this Section ~~1421-45~~ 1707-3 shall apply to all open streams within the City of Cincinnati. ~~The area to which a stream corridor setback applies is that area located within 65 feet of either side of the top of the slope of any open~~



stream; provided, however: The area to which a stream corridor setback is applied is based on the drainage area as shown below:

Drainage Area	Stream Corridor Setback
≤ 100 acres	25 feet
> 100 acres	65 feet

The area to which a stream corridor setback applies is that area located within 65 feet of either side of the top of the slope of any open stream; provided, however:

- A. Adjustment. The Director of City Planning & Buildings may adjust the width of the stream corridor setback as reasonably necessary to satisfy the purposes of this Section ~~1421-45~~ 1707-3. Any such adjustment shall be made based upon a review of available topography and flooding and/or stream meander patterns, so long as the width of the stream corridor setback shall not exceed 65 feet on each side of the stream. In the case of an adjustment, the exact location of the stream corridor setback shall be shown on a drawing created by the City and sent by certified mail to the record owner of the subject property not later than 30 days from the date of the decision on adjustment.
- B. Enlargement. A stream corridor setback shall be enlarged in areas where the average slope is greater than 50% and the toe of the slope is within the stream corridor setback. In such areas, the entire slope shall be included in the stream corridor setback.
- C. Where wetlands are located partially within a stream corridor setback, the stream corridor setback shall be extended to include the full extent of the wetland area plus any setback from the wetland required by a Section 404 permit or serving as a storm water control authorized under CMC Chapter 720. Portions of wetlands permitted to be filled under Section 401 and 404 of the Clean Water Act shall not be included in the stream corridor setback.

### 1707-3.5. Land Use Regulations.

The following land uses are permitted within a stream corridor setback:

- A. Organic Farming.
- B. Community Garden.
- C. Park and Recreation Facility, but excluding any building, swimming pool or impervious surface.
- D. Pervious trails, surfaces, or access roads.
- E. Nature preserves, forest preserve, fishing areas, wildlife sanctuaries
- F. Stream bank stabilization project, stream bank restoration project, vegetation restoration project to restore the riparian zone
- G. Stream crossing for farm vehicles
- H. Research and monitoring devices, such as staff gages, water recording, water quality testing, cross vanes, weirs and relates demonstrations facilities.

Any use or activity not permitted herein is prohibited within a stream corridor setback; provided, however, that a special exception Conditional Use may be obtained in accordance with Section 1751-2.Relief ~~1445~~ below and only after consideration of all of the additional standards set forth in subsection (f) Section 1707-3.5, Additional Standards for Special Exceptions below.

### 1707-3.6. Additional Standards for Special Exceptions.

In addition to the standards for special exception Conditional Uses set forth in Section 1751-2 Relief ~~1445~~ below, all of the following standards shall be considered in determining whether a special exception may be granted within a stream corridor setback:

- A. The proposed use is not a prohibited use in the base zoning district
- B. The proposed use will not adversely affect water quality or impair the function or chemical, physical, biological, and ecological integrity of the stream or river corridor.

- C. The proposed use will not remove or disturb the vegetation in a manner that is inconsistent with erosion and sedimentation control and stream corridor buffer protection.
- D. The proposed use will not store or discharge any hazardous or noxious material, except those used during emergencies for the treatment and/ or other maintenance of any public sewer and public water treatment facilities (i.e., generator sets or alternative drive units).
- E. The proposed use will not employ fertilizer, pesticide, herbicides, and/ or other chemicals, except:
  - 1. Where permitted by a valid conservation plan, forest management plan, or approved planting and maintenance plan.
  - 2. For selective herbicide application by a qualified professional to control noxious weeds and invasive species of plants in riparian buffers.
- F. The proposed use will not employ motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume of vehicular movement.
- G. The proposed use will not increase the danger to life and property due to increased flood heights or velocities.
- H. The proposed use will not increase the danger that materials may be swept downstream to the injury of others.
- I. The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and alternative locations that are not subject to flooding must be considered.
- J. The expected heights, velocity, duration, rate or rise and sediment transport of the floodwaters expected at the site shall not cause significant damage, nor increase erosion downstream due to increased flood heights or velocities.

- K. The proposed use will not adversely affect water quality or impair the function or chemical, physical, biological, and ecological integrity of the stream or river corridor.

### **1707-3.7. Appeal**

- A. Any person who is adversely affected by any determination made pursuant to this Section 1707-3 may appeal that decision to the Zoning Board of Appeals pursuant to ~~Chapter 1449~~ Chapter 1751-6, Zoning Board of Appeals.

## Sec. 1707-4. Urban Design Overlay District

### 1707-4.1. Specific Purposes

The specific purposes of the Urban Design Overlay District are to:

- A. Protect and enhance the physical character of selected business districts that have adopted Urban Design Plans;
- B. Prevent the deterioration of property and blighting conditions;
- C. Encourage private investment to improve and stimulate the economic vitality and social character of selected business districts; and
- D. Ensure that infill development does not adversely affect the physical character of the area. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

### 1707-4.2. Applicability and Zoning Map Designator

Except as otherwise provided in this chapter, all regulations of the underlying zone districts and other applicable overlay districts, apply to and control property in an Urban Design Overlay District; provided, however, that in the case of conflict between the provisions of an underlying zoning district and the Urban Design Overlay District, the provisions of the Urban Design Overlay District govern. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

### 1707-4.3. Establishment of UD Overlay Districts

Council may establish a UD Overlay District whenever both of the following conditions are satisfied:

- A. Neighborhood Business Center. Upon finding that an area comprising a concentration of retail and service-oriented commercial establishments serves as the principal business activity center for a socio-geographic community.
- B. Urban Design Plan. Upon adoption of an urban design plan for the area that includes: A textual and graphic description of the physical and

environmental improvements necessary for the coordinated revitalization of the business district. The Urban Design Plan should include but is not limited to: the location of buildings, architectural character of the buildings, signage, pedestrian and vehicular circulations, parking, open space and landscaping. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

### 1707-4.4. Applications Subject to Review

- A. The Director of Buildings and Inspections has the duty to review the following permits in an established Urban Design Overlay District for compliance with the base requirements of the district.
  - 1. Signs: Permits for the installation of all signs.
  - 2. Awnings: Permits for the installation of all awnings.
  - 3. Mechanical Equipment and Utilities: Permits for the installation of all exterior mechanical equipment and utility service connections.
  - 4. Replacement Windows: Permits for the installation of replacement windows.
  - 5. Exterior Renovation or Alterations of Existing Structures: Permits for exterior renovations, alterations, or additions.
  - 6. Eating and Drinking Establishments: Permits for Restaurants, Limited.
- B. The Zoning Hearing Examiner shall approve, approve with conditions or disapprove an application for development in an established Urban Design Overlay District in accordance with the base requirements of the district.
  - 1. New construction: Permits for new construction.
  - 2. Demolition: Permits for demolition. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

## 1707-4.5. Development Standards in UD Overlay Districts

Development within individual UD Overlay Districts must comply with the standards prescribed below that the ordinance that establishes the UD Overlay District declares applicable to that district. These standards are intended to implement policies in adopted urban design plans. Whenever the standards conflict with the development regulations of the underlying district, these standards supercede those regulations. The following regulations will apply to some or all of the UD Overlay Districts as determined by the urban design plan prepared and adopted for each district. Refer to Table 1707-4.5, Urban Design District Standards for applicability.

	UD#1	UD#2	UD#3	UD#4	UD#5	UD#6	UD#7	UD#8	UD#9	UD#10	UD#11	UD#12	UD#13	UD#14
<b>S1A1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>S2A2</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>S3A3</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>S4A4</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>A5</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>A1B1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>M1C1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>W1D1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>R1E1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>R2E2</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>E1F1</b>		X		X	X		X	X			X			
<b>F1G1</b>		X						X						
<b>N1H1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>N2H2</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>I1</b>														
<b>D1J1</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X

UD #1 - College Hill Business District

UD #2 - Clifton Business District

UD #3 - Hartwell Business District

UD #4 - Hyde Park Square Business District

UD #5 - Oakley Square Business District

UD #6 - University Village Business District

UD #7 - North Avondale Along Reading Road

UD #8 - Mt. Washington Business District

UD #9 - Mt. Airy Business District

UD #10 - Columbia-Tusculum Business District

UD #11 - Hyde Park East Business District

UD #12 - Mt. Lookout Square

UD #13 - Pleasant Ridge Business District

UD #14 - [Kennedy Heights Business District](#)

## A. Signs and Signage Standards:

### 1. ~~S1~~ Prohibited Signs:

- a. All blinking, flashing, rotating or moving signs, except barber poles and theater marquees;
- b. Neon signs;
- c. Banners, portable or temporary signs;
- d. Rooftop signs, signs or awnings extending above the roofline of the building, or signs or awnings that extend above the window sill line of the second floor of the building;
- e. Any advertising-sign on or about an unoccupied building, except those related to the sale or rental of that building;
- f. All signs, handbills, or flyers on utility poles, except those installed by the city and state.
- g. All outdoor advertising signs, as that term is defined in Cincinnati Municipal Code Chapter 895.

### 2. ~~S2~~ Projecting Signs

- a. Projecting signs shall not be used except for small identification or trademark signs symbolic of the business identified.
- b. The copy of all signs should identify the predominant business on the premises or its principal product or service.
- c. Advertising signs are prohibited.
- d. Projecting signs shall not exceed six square feet per sign face and shall not exceed 12 square feet for all faces.
- e. Projecting signs should be located over entry doors or building columns or piers and shall be limited to one projecting sign per business.
- f. All sign supports shall be simple in nature, have no visible guy wires and be made less obtrusive with camouflaging color in harmony with the surrounding environment.

3. ~~S3~~ Allowable Sign Area: In the case where buildings have multiple storefronts occupied by different tenants, the allowable signage area for each tenant will be calculated based upon the storefront street frontage in order to maintain a proportional distribution of signage area.

4. ~~S4~~ Non-Ground Floor or Interior Business Signs: For businesses located within an interior portion of a building, or on the second floor or higher story of a building and lacking an exterior wall or window area, a sign identifying the business no larger than six square feet may be affixed to the exterior of the building. This sign area shall be included in the maximum allowable area for all signs on the property.

5. ~~S5~~ Ground signs: where permitted, ground signs shall meet the following standards:

- a. Ground signs shall be a maximum sign area of not more than one square foot of sign area per linear foot of street frontage per sign face, up to a maximum sign area of 30 square feet per face, or 60 square feet for all sign faces.
- b. Ground signs shall be limited to two sign faces and shall not exceed 6 feet in height.
- c. Ground signs shall be located at or near the primary street frontage.
- d. Ground signs shall be compatible with the design of the building in proportion, shape, scale, materials, colors, and lighting.

## B. Awning Standards:

### 1. ~~A1~~ Awnings shall meet the following standards:

- a. Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less.
- b. Awnings shall run parallel to the face of the building.
- c. Awnings shall be located within the existing building framework - between columns and below spandrel panels. Awning colors and

design shall be compatible with the colors and design of the building.

- d. Structural supports for all awnings shall be contained within the awning covering.
- e. Each storefront bay shall have a similar awning to the other storefront bays on the same building.
- f. Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building.

#### **C. ~~F~~Mechanical Equipment and Utility Standards:**

- 1. ~~M1~~: Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by grills, screens or other enclosures. Electric and other utility service connections shall be underground for new construction and encouraged for all other changes.

#### **D. Replacement Window Standards:**

- 1. ~~W1~~: Replacement windows shall meet the following standards:
  - a. Replacement windows shall fit the size and style of the original openings.
  - b. Original window and door openings shall not be enclosed or bricked-in on the street elevation. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

#### **E. Exterior Renovation or Alterations of Existing Structures:**

- 1. ~~R1~~: Renovations, alterations or additions shall be designed and executed in a manner that

is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.

- 2. ~~R2~~: Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Natural materials (brick, slate, glass, stone, etc.) shall be retained in their natural state and not covered with any other contemporary materials. Materials that are out of keeping with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

#### **F. Eating and Drinking Establishments:**

- 1. ~~E4~~: Restaurants, Limited shall meet the following standards:
  - a. No more than 45% of their gross floor area may be devoted to food preparation, related activities and other space not accessible to the public;
  - b. No more than 35% of the restaurant's sales by dollar volume are carry-out and the patrons are served with other than single-use utensils, plates and beverage containers.
  - c. The consumption of food or beverage in automobiles parked upon the premises is prohibited.

#### **G. Franchise Establishments:**

- 1. ~~F1~~: New businesses should contribute to the desired mix of commercial activities; franchise type establishments are acceptable provided that they are primarily pedestrian and not automobile oriented.



## H. New Construction:

1. ~~H1:~~New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area, and should be in harmony with neighboring buildings.
  - a. New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping, lighting and other amenities equivalent to those existing in the district.
  - b. Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.
2. ~~H2:~~The Zoning Hearing Examiner shall review and consider applicable Community Plans approved by City Council when making decisions for projects in an Urban Design District.
  - a. Proposed uses shall be consistent with the goals, objectives and guidelines of the community plans approved by City Council.

## I. Maximum Building Height

1. ~~H1:~~Maximum Building Height of new construction is limited to 50 feet; additional height up to 85 feet is permitted with a Conditional Use hearing.

## J. Demolition:

1. ~~D1:~~Demolition has been ordered by the Director of Buildings and Inspections for reasons of public health and safety:
  - a. The structure does not contribute to the architectural quality of the district;
  - b. The demolition is necessary to accomplish the construction of a building which would

meet the guidelines contained in the urban design plan;

- c. The demolition is necessary to provide parking and/or other uses in a manner specified in the urban design plan;
- d. The owner has endeavored in good faith to find a use for the structure and is unable to obtain a reasonable rate of return on the property;
- e. Demolition has been ordered to remove blight. (~~Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 268-2008, § 1, eff. Sept. 6, 2008; a. Ord. No. 298-2009, § 1, eff. Dec. 12, 2009; a. Ord. No. 99-2013, § 1, eff. May 24, 2013~~)

## 1707-4.6. Approval

- A. If the Director ~~determines finds~~ that an application conforms to the requirements of 1707-4.5 above and all other requirements of this Code, the Director ~~has the duty to will~~ issue a ~~building~~ permit for the proposed work. The Director has the duty to notify all owners of property abutting the subject property and the community organization recognized by the Council as representing the area that includes the subject property.
- B. If the Director determines the application does not conform to the requirements of this 1707-4.5 above, the Director shall notify the applicant that the application requires a hearing and decision by the Zoning Hearing Examiner, who shall consider the application in accordance with the standards and procedures established in Section 1751-5.~~is required, pursuant to Chapter 1751, Administration, prior to the issuance of a permit. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

## 1707-4.7. Appeal

Any party with standing may, pursuant to Sec. 1751-6, Zoning Board of Appeals, appeal to the Zoning Board of Appeals within 30 days after the decision of the Zoning Hearing Examiner. (~~Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004~~)

# Sec. 1707-5. Interim Development Controls Overlay District

## 1707-5.1. Purpose

The purpose of the Interim Development Control (IDC) Overlay District is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in areas where potential development could be detrimental or have adverse impacts on the implementation of approved amendments to the Cincinnati Land Development Code, approved or adopted plans, or current planning, land use or zoning studies. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; Emer. Ord. No. 218-2012, § 1, eff. June 20, 2012)

## 1707-5.2. Applicability and Zoning Map Designator

An IDC Overlay District may be applied to any district. It is adopted as an amendment to the Zoning Map. This Overlay District is shown on the zoning map by an IDC designator applied to the base district designation. Where inconsistencies exist between the IDC Overlay District regulations and other provisions of the Cincinnati Land Development Code and the Municipal Code, the IDC Overlay District regulations apply. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

## 1707-5.3. Establishment of IDC Overlay Districts

After receiving an affirmative recommendation from the City Planning Commission, Council may establish an IDC Overlay District on finding that:

- A.** Proposed Amendments. Amendments to the Cincinnati Land Development Code have been approved or are under consideration through the following actions:
  - 1. The City Planning Commission has approved amendments to the Cincinnati Land Development Code; or
  - 2. The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Land Development Code; or
  - 3. The City Planning Commission, City Council or the City Manager has directed city administration to study planning, land use or zoning issues in the proposed IDC Overlay District boundary.
- B.** Study and Review. The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, city administration and Council prior to adoption; and
- C.** Public Interest. The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; Emer. Ord. No. 218-2012, § 1, eff. June 20, 2012)

## 1707-5.4. IDC Application Review Guidelines

The ordinance to adopt an IDC Overlay District must:

- A.** Applications Subject to Review. Specify which of the following permit applications are to be reviewed by the City Planning Commission. The applications may include:
  - 1. Building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures and changes in use.
  - 2. Building permits for signs.
  - 3. Building permits for site improvements.
  - 4. Permits for the construction or reconstruction of streets or sidewalks.

- 5. Subdivision improvement plans.
  - 6. Excavation and fill permits.
  - 7. Certificate of Compliance.
- B.** Application Review Guidelines. Adopt application review guidelines for each application subject to review specified in Section 1704-5.80, Applications Subject to Review, for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this Section.
- C.** Administrative Review. Designate the city department, division, or official responsible for conducting the administrative review of these applications. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

### **1707-5.5. Three-Month IDC Overlay Districts**

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

### **1707-5.6. One-Year IDC Overlay Districts**

Council may establish IDC Overlay Districts to remain in effect for one year, or extend IDC Overlay Districts established pursuant to 1704-5.50, Three-Month IDC Overlay District, for nine additional months if notice has been given and a public hearing held in accordance with § 111-1, Hearings on Zoning Regulations, of the Municipal Code and on finding that:

- A.** Ongoing Study. The City Planning Commission is studying proposed Cincinnati Land Development Code or map amendments that would affect the area within the IDC District;
- B.** Study Completion. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Land Development Code amendments enacted within the year; and
- C.** Inconsistent Uses. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

### **1707-5.7. Extension of IDC Overlay Districts**

Council may extend the duration of an IDC Overlay District by an additional six months, provided that an IDC Overlay District may not remain in effect for more than two years from the date it was first established. Notice is to be given and a public hearing held in accordance with § 111-1, Hearings on Zoning Regulations, of the Municipal Code prior to the adoption of any IDC Overlay District extension. Council may only adopt an IDC Overlay District extension after receiving an affirmative recommendation from the City Planning Commission and finding that:

- A.** Complex Study. The study of the proposed amendment to the Cincinnati Land Development Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district;
- B.** Study Incomplete. The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Map amendments that would affect the allowable land uses within the IDC Overlay District; and

- C. Inconsistent Uses. There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

### **1707-5.8. Applications Subject to Review**

The City Planning Commission has the duty to review applications in an established IDC Overlay District as specified in the ordinance that enacted the IDC Overlay District.

A permit made subject to review pursuant to the ordinance establishing the IDC District may not be issued unless approved by the City Planning Commission. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

### **1707-5.9. Standards for Review**

The administrative reviewer appointed pursuant to subparagraph 1704-5.40(c), Administrative Review, has the duty to prepare an advisory report that evaluates whether the proposed work is in compliance with the application review guidelines adopted. The administrative reviewer has the duty to file the report with the City Planning Commission within 30 business days of the date of application.

The City Planning Commission may approve applications in an established IDC Overlay District if the proposed work is in compliance with the application review guidelines adopted pursuant to subparagraph 1704-5.40(b), Application Review Guidelines, on finding that:

- A. Proposed Work Permitted by Current and Proposed Zoning. The proposed work is permitted or conditionally permitted in the base district, conforms to all standards and performance criteria of the Cincinnati Land Development Code and does not conflict with any proposed amendment to the Cincinnati Land Development Code then under consideration by the City Planning Commission or Council.
- B. Proposed Work Compatibility. The proposed work is compatible with the predominant or prevailing land use, building and structure patterns in the surrounding neighborhood and community.
- C. No Detrimental Effect to the Public. The proposed work is not detrimental to the public peace, health, safety or general welfare.
- D. No Adverse Effect on Adjoining Properties. The proposed work has no adverse effect on the access to the property for fire and police protection and adequate public facilities and services, access to light and air from adjoining properties, traffic conditions, transportation requirements and facilities or development and use of adjacent land, structures and buildings. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 253-2005, eff. July 21, 2005)

### **1707-5.10. Review of Permit Applications**

After receiving an advisory report from the administrative reviewer, the City Planning Commission has the duty to consider applications for permits as follows:

- A. Public Hearing. The City Planning Commission has the duty to hold a public hearing on the application at a regularly scheduled Commission meeting within 30 days of acceptance of the advisory report prepared pursuant to Section 1704-5.90, Standards for Review. Notice of the hearing must be sent to the applicant, owners of record of adjoining properties and any person requesting notice. Notice must be published in the City Bulletin in advance of the hearing. Testimony at the hearing will be taken under oath and recorded and the reviewer responsible for preparing the advisory report must appear. The applicant is permitted to be heard in person or through an attorney and may present evidence and cross-examine opposing witnesses.
- B. Exceptions from Underlying Zone District Regulations. The City Planning Commission may grant exceptions from the underlying zone district regulations other than those relating to use,

maximum number of dwelling units and maximum floor area ratio, when the exceptions are consistent with the application review guidelines adopted pursuant to, Section 1704-5.40, IDC Application Review Guidelines, and the standards for review set forth in Section 1704-5.90, Standards for Review.

- C. Decision of the City Planning Commission. The City Planning Commission has the duty to make a decision on the application within 14 days of the close of the public hearing. The application may be approved, subject to conditions necessary to ensure that the development plan is lawful and in the public interest. If the application is disapproved, the reasons must be stated in writing as findings of fact and conclusions of law. The failure of the proposed work to conform with any single factor is not necessarily a sufficient basis for denial. The City Planning Commission has the duty to approve an application that maximizes both the public interest and private benefits generally. The City Planning Commission has the duty to send its conclusions to the applicant, appropriate city officials and others who request a copy. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 253-2005, eff. July 21, 2005)

## **1707-5.11. Appeal**

Any adversely affected person may appeal a decision of the City Planning Commission made pursuant to this chapter to Council pursuant to the provisions of § 111-3, Appeals to Council, of the Municipal Code. The notice of appeal must be filed with the Clerk of Council within 30 days of the mailing of the City Planning Commission's decision to the applicant. Those "adversely affected" include the applicant or any other person, organization or association, who appeared before the City Planning Commission personally, by representative or in writing and expressed a position contrary to the decision of the City Planning Commission.

# Chapter 1711. Site Development

<b>Sec. 1711-1. Parking .....</b>	<b>11-3</b>
1711-1.1. General Provisions .....	11-3
1711-1.2. Vehicle Parking .....	11-3
1711-1.3. Location of Vehicle Parking .....	11-9
1711-1.4. Parking Lot Design and Layout.....	11-10
1711-1.5. Parking Lot Landscaping.....	11-14
1711-1.6. Other Parking Standards .....	11-15
1711-1.7. Bicycle Parking.....	11-16
1711-1.8. Stacking .....	11-17
1711-1.9. Vehicle Loading .....	11-19
<b>Sec. 1711-2. Landscaping and Buffering .....</b>	<b>11-20</b>
1711-2.1. Purpose .....	11-20
1711-2.2. Applicability .....	11-20
1711-2.3. Landscaping, Buffer Yard and Screening Plan .....	11-21
1711-2.4. Landscaping Maintenance .....	11-21
1711-2.5. Delayed Planting Installations.....	11-21
1711-2.6. Transitional Buffer Yards .....	11-21
1711-2.7. Street Buffer Yards .....	11-26
1711-2.8. Placement.....	11-27
1711-2.9. Encroachments .....	11-27
1711-2.10. Buffer Yard Screening Devices.....	11-27
<b>Sec. 1711-3. Signs.....</b>	<b>11-28</b>
1711-3.1. General Provisions .....	11-28
1711-3.2. Prohibited Signs.....	11-29
1711-3.3. Exempt Signs .....	11-30
1711-3.4. Temporary Signs .....	11-31
1711-3.5. Signs Requiring a Building Permit.....	11-32
1711-3.6. Sign Measurements .....	11-51
1711-3.7. Illumination.....	11-52
1711-3.8. Changeable Copy.....	11-53
1711-3.9. Sight Triangle .....	11-53



**Sec. 1711-4. Site Lighting..... 11-54**  
1711-4.1. Purpose.....11-54  
1711-4.2. Exterior Lighting.....11-54  
1711-4.3. Lights not Conforming to this Section.....11-54

**Sec. 1711-5. Outdoor Storage and Display ..... 11-55**  
1711-5.1. Generally.....11-55  
1711-5.2. Outdoor Display.....11-55  
1711-5.3. Outdoor Storage.....11-55  
1711-5.4. Outdoor Retail Sales .....11-56

# Sec. 1711-1. Parking

## 1711-1.1. General Provisions

### A. Purpose

1. To regulate and ensure the provision of parking spaces and access drives are designed for motor vehicles and bicycles and to provide options for adjusting parking requirements and providing parking alternatives.
2. These parking standards help to ensure that parking needs of new land uses and development are met, while ensuring parking spaces and access drives are designed and located in a manner consistent with the desired character and development patterns of walkable communities as outlined in Plan Cincinnati.

### B. Applicability

#### 1. New Construction

Any new building or site improvement must comply with the parking requirements of this LDC.

#### 2. Maintenance and Repair

An existing building or site may be repaired, maintained or modernized without providing additional parking, provided there is no increase in gross floor area (GFA) or improved site area.

#### 3. Additions

- a. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively, parking is required for the additional floor or site area only.
- b. When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the parking requirements.

#### 4. Change in Use

- a. A change in use based on the parking table of Sec. 1711-1.2.B or Sec. 1711-1.2.C must

comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.

- b. Where the required number of parking spaces for a new use according to Sec. 1711-1.2.B or Sec. 1711-1.2.C is 125% or less of the parking spaces required for the existing use, no additional parking spaces are required.
- c. Where required parking spaces for the new use exceed 125% of the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

## 1711-1.2. Vehicle Parking

### A. Calculation of Required Spaces

1. When a site or lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use can be included in the calculation of parking requirements for any other use, except as allowed permitted in Sec. 1711-1.2.D.
2. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space.
3. Unless otherwise noted, the parking requirement is based on the gross floor area of the building devoted to the particular use specified.
4. In industrial buildings where tenants are specified, parking is calculated according to the uses identified in the floor plan. Where tenants are not specified, parking is calculated using 20% office and 80% warehouse.
5. Existing parking may not be reduced in amount or changed in size to less than required by this LDC.

## B. Use Districts

### 1. Minimum Number of Parking Spaces

Vehicle parking must be provided in accordance with the following. Alternative parking ratios apply Downtown (see Sec. 1703-7).

Use	Required Spaces (min)
<b>Residential</b>	
All household living	1 per unit
All group living, as listed below:	
Group residential	1 per 2 residents
Residential care facility	1 per 4 residents
All social service	1 per facility plus 1 per 8 beds
<b>Commercial/Services</b>	
First 2,000 square feet of gross floor area of existing and new commercial/services	Exempt - no spaces required.
All retail commercial, except as listed below:	1 per 400 SF of GFA
Automatic teller machine	no spaces required
Car wash	no spaces required
Food preparation	1 per 750 SF of GFA
Fuel sales	no spaces required
Eating and drinking establishment	1 per 150 SF of GFA
All services, except as listed below:	1 per 400 SF of GFA
Commercial meeting facility	1 per 50 SF of GFA
Funeral and interment services	1 per 100 SF used for assembly
Vehicle repair, <del>vehicle repair</del> , heavy	2 per service bay or 1 for every 400 SF of GFA, whichever is greater
All day care	2 per facility, plus 1 for every 8 clients
All lodging	1 per guest room
All recreational facility: indoor, except as listed below:	1 per 400 SF of GFA
Bingo parlors, fitness centers, gymnasiums	1 per 150 SF of GFA
Bowling center	2 per lane
Movie theater or other indoor theater	1 per 5 seats
All recreational facility: outdoor or large-scale	1 per 1,000 SF of GFA
Sports stadiums and arenas	1 per 5 seats
<b>Industry, Manufacturing and Processing</b>	
All production, except as listed below:	1 per 1,000 SF of GFA
Research and development	1 per 750 SF of GFA
All storage and warehouse, except as listed below:	1 per 1,000 SF of GFA
Storage, personal storage/mini-warehouse	4 spaces
Warehouse and storage, contractor storage	1 per 1,000 SF of outdoor use area
All waste-related	1 per 1,000 SF of GFA

Use	Required Spaces (min)
<b>Recreation, Education, Public</b>	
All medical/health, except as listed below:	1 per 400 SF of GFA
Hospital	1 per bed
All education, as listed below:	
College, public or private	1 per 3 auditorium seats, plus 1 per 5 class-rooms seats
School, public or private (K-8)	1 per 30 classroom seats
School, public or private (9-12)	1 per 10 classroom seats
All government, except as listed below:	1 per 400 SF of GFA
Government facilities and installations	1 per 1,000 SF of GFA
Public maintenance facility	1 per 1,000 SF of GFA
Public safety facility	1 per 30 SF of principal assembly area
All civic, as listed below:	
Cultural institution	1 per 500 SF of GFA or 1 per 8 seats, whichever is greater
Meeting facility	1 per 150 SF of GFA
Park, open space, playground	1 per 100 SF of indoor area
Religious assembly	1 per 30 SF of principal assembly area
<b>Agriculture</b>	
Community garden	1 per site
Farming	1 per site
Mining and quarrying	1 per 1,000 SF of GFA
<b>Transportation, Communications, Infrastructure</b>	
All parking/transportation, except as listed below:	1 per 2,000 SF of GFA
Airport	1 per 250 sf of terminal building
Heliport	no spaces required
Railroad right-of-way, railroad train yard	no spaces required
Automobile holding facility	no spaces required
All communications, except as listed below:	no spaces required
Communications facility	1 per 600 SF of GFA plus 1 per 3 auditorium seats
All utilities	1 per 1,000 SF of GFA
All watercraft, except as listed below:	1 per 1,000 SF of GFA
Watercraft and riverfront facility, marina	1 per 2 berths
Watercraft and riverfront facility, marine sales and service	1 per 400 SF of GFA

## 2. Parking Reductions

- a. City Council may establish Urban Parking Overlay Districts within which the provisions of Section 1711-1.1 do not apply.

### b. Proximity to Bus Transit

A 10% reduction in the number of required parking spaces is ~~allowed~~ permitted for uses with a main entrance within a walking distance of 1,320 feet of an operating transit stop, with service from 6 AM to 8 PM where service intervals are no longer than 15 minutes during peak commute hours.

### c. Proximity to Streetcar

A 50% reduction in the number of required parking spaces is ~~allowed~~ permitted for uses with a main entrance within a walking distance of 600 feet of an operating streetcar stop.

### d. Proximity to Public Parking Facilities

A 50% reduction in the number of required parking spaces is ~~allowed~~ permitted for uses within 600 feet of a public parking facility, either publicly or privately owned and operated and the facility could provide 50% or more of the parking spaces required for the use.

### e. Private Car Sharing Program

- i. A reduction in the number of required parking spaces for residential units is ~~allowed~~ permitted where an active on-site car-sharing program is made available for the exclusive use of residents.
- ii. The parking requirements for all dwelling units may be reduced by 5 spaces for each car-share vehicle provided. If required, visitor spaces cannot be substituted.

### f. Maximum Parking Reduction

The maximum cumulative parking reduction ~~allowed~~ permitted is 60% of the parking specified in Sec. 1711-1.2.B.

## C. Form Districts

### 1. Minimum Number of Parking Spaces

Vehicle parking must be provided in accordance with the following.

Use	Required Spaces (min)
<b>Industrial</b>	
General industrial, except	1 per 1,000 SF of GFA
Warehousing	1 per 2,000 SF of GFA
Wholesale business	1 per 2,000 SF of GFA
<b>Residential</b>	
Group residential: residential care	1 per 3 beds/residents
For other residential uses see Sec. 1703-2 (Specific to Transect Zones)	
<b>Retail</b>	
See Sec. 1703-2 (Specific to Transect Zones)	
<b>Recreation, Education, Public Assembly</b>	
Colleges and universities	1 per 5 seats plus 1 per 3 auditorium seats
Community/public safety facility	1 per 300 SF of GFA
School, public or private	
Grades K-8	1 per 30 classroom seats
Grades 9-12 or trade	1 per 10 classroom seats
Theaters	1 per 5 seats
Other assembly uses	
With fixed seats	1 per 5 seats
Without fixed seats	1 per 300 SF of principal assembly area
<b>Services</b>	
See Sec. 1703-2 (Specific to Transect Zones)	

### 2. Maximum Number of Parking Spaces

The maximum number of on-site vehicle parking spaces shall be as follows:

- For buildings with a footprint less than or equal to 60,000 square feet of gross floor area, 140% of the required minimum number of parking spaces; and
- For buildings with a footprint greater than 60,000 square feet of gross floor area, 125% of the required minimum number of parking spaces.
- When calculating the maximum number of parking spaces, numbers shall be rounded down to the closest whole number.



## **D. Shared Parking**

1. An applicant may request shared parking to meet the minimum vehicle parking requirements for mixed use projects or for multiple uses that are located near one another and which have different peak parking demands or operating hours.
2. If the Director determines one of the following circumstances has been established, the Director may grant a reduction in the parking standards set forth in Sec. 1711-1.2.B or Sec. 1711-1.2.C.
  - a. Where uses seek to share parking with different peak hour demands and are in the same or adjoining development, the owner of the parking spaces shall submit to the Director an analysis and substantiated projections of peak parking demand for the entire development to justify the shared use of parking spaces for separate uses;
  - b. Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking required; or
  - c. Where fewer parking spaces are needed due to access to transit, special designs and traffic mitigation measures incorporated in the parking lot design and circulation plan.
3. The Director shall consider all of the following in determining whether a reduction is warranted:
  - a. The likelihood that the reduced number of parking spaces can satisfy demand;
  - b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow;
  - c. The impact of periodic overflows upon the public thoroughfares and other parking facilities;

- d. The nature of surrounding land uses, character of the surrounding road system, and nearby circulation pattern;
- e. The amount of on-street parking available within one-quarter of a mile of the development; and
- f. Any additional reduction in on-site parking demand by implementing transportation demand management strategies proposed by the applicant; and in all cases, the owner of the lot shall have the burden to demonstrate that a reduction in parking standards is warranted.

## **E. Reserved Parking**

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

### **1. Residential**

- a. One space per efficiency or one-bedroom multifamily or loft dwelling unit.
- b. Two spaces per two-bedroom or greater multifamily or loft dwelling unit.

### **2. Nonresidential**

No more than one-third of the total provided spaces may be reserved.

### 1711-1.3. Location of Vehicle Parking

Required vehicle parking spaces must be located on the same lot they are intended to serve, except as provided below.

#### A. On-Street Parking

1. Where on-street parking spaces exist in the public right-of-way, one on-street parking space may be substituted for every required on-site parking space, provided the on-street space immediately abuts the subject property.
2. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
3. The Director may determine that to ensure future roadway capacity, the on-street parking credit may not be available.

#### B. Remote Parking

1. All required vehicle and motorcycle parking spaces, except required accessible spaces, may be located off-site, provided the remote parking spaces are located within 600 feet of the primary entrance of the use served and are located within the same or more intense zoning district as the principal use served.
2. The distance referred to above is measured by the most direct route of travel on the ground and is measured in the following manner:
  - a. From the front door of the principal structure on the applicant's property;
  - b. In a straight line to the nearest public sidewalk;
  - c. Along a public sidewalk or walkway by the nearest route; and
  - d. To the edge of the remote parking area.
3. Remote parking is not ~~allowed~~ permitted in a Single-Family District.

4. A written instrument must be recorded in title to both the lot containing the principal structure or principal use and the remote parking lot as follows:
  - a. If the lot containing the principal structure or principal use and the remote parking lot are owned by the same owner, then a covenant must be recorded; or
  - b. If the lot containing the principal structure or principal use and the remote parking lot are owned by different owners, then a reciprocal easement must be recorded.
5. In order to satisfy the paragraph B.4 above, any such written instrument must:
  - a. Be acceptable to the City Solicitor in substance and form;
  - b. State clearly on its face that it is irrevocable without the prior written consent of the Director;
  - c. State that the remote parking lot must be used and maintained exclusively for parking to serve the principal structure or principal use so long as the principal structure or principal use requiring such parking remains in existence and has not been abandoned, under the definition contained in Section 1447-07; and
  - d. State that the remote parking lot must in no way be deemed to be a nonconforming use or be permitted to continue to be used for parking if the parking is no longer needed to serve the principal structure or principal use.

## 1711-1.4. Parking Lot Design and Layout

### A. Access

The following standards are applicable to on-site parking lot access design and include parking for single-family residences unless.

1. Each required parking space must open directly onto an aisle ~~or driveway~~ as specified in Sec 1711-1.4.I. All parking facilities must be designed with an appropriate means of vehicular access to a thoroughfare or to an alley to cause the least interference with traffic flow.
2. Parking spaces in any parking lot or parking structure cannot be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public thoroughfare. Ingress to and egress from parking spaces must be from an on-site aisle or driveway, except parking spaces within lots of up to 8 spaces may be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public alley ~~or rear lane~~.

### B. Driveways

1. Access to driveways.
  - a. Developments of two or fewer dwelling units. Access to and from driveways onto public thoroughfares must be where practicable by forward motion of the vehicle.
  - b. All other developments. Access to and from driveways onto public thoroughfares shall be by forward motion of the vehicle.
2. Driveways shall extend and include the area between the lot line and the edge of the street pavement.
3. The design and construction of all access drives shall meet the requirements of the Director of the Department of Transportation and Engineering.

### C. Identified as to Purpose and Location

On-site parking areas of 4 or more spaces and on-site loading areas shall include painted lines, wheel stops, curbing or other methods of identifying individual parking spaces and loading areas, while distinguishing such spaces from aisle and other circulation features.

### D. Materials

1. All on-site parking areas and driveways shall be surfaced with materials approved by the Director.
2. The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to ~~ribbon driveways~~, “grasscrete,” or recycled materials such as glass, rubber, used asphalt, brick, block and concrete—may be approved by the Director for required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas in proximity to and in combination with on-site stormwater control devices.

### E. Accessible Parking

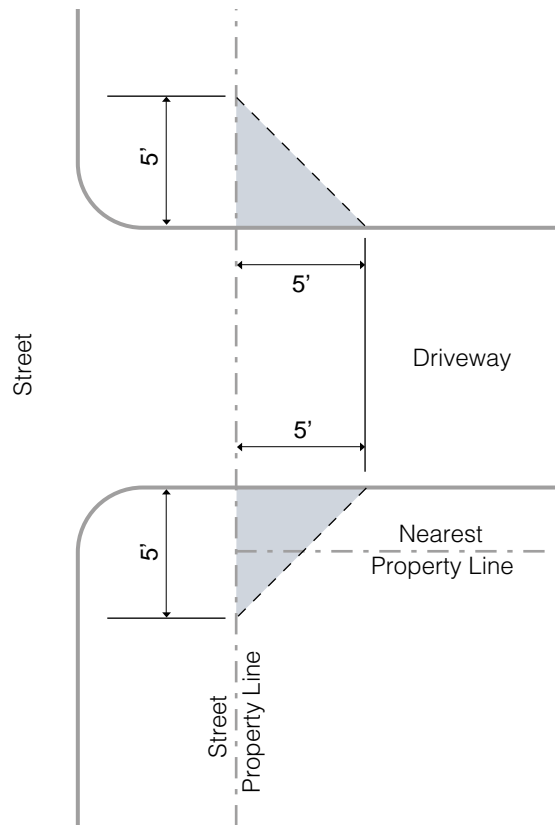
All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA).

### F. Parking Lot Markings

Each parking space and parking area must be identified by surface markings at all times. The markings must be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows and signs for accessibly-designated areas.

### C. **Driveway Visibility**

Visibility from a driveway may not be blocked between a height of 3 feet and 7 feet for a depth of 5 feet from the street property line and 6 feet from the edge of the driveway or at the nearest property line intersecting the street property line, whichever is less.



### 3. **Maintenance**

Parking areas, maneuvering aisles and loading spaces must be maintained in good condition, free from broken asphalt, concrete, potholes and weeds and in a state of equivalent quality to that which was approved or required by the City.

### H. **Drainage, Grade and Maintenance**

#### 1. **Maximum Slope**

The maximum slope of any required maneuvering aisle, parking space or loading space is 10% and the maximum slope of any required driveway is 15%.

#### 2. **Drainage**

All paved parking areas, access drives and loading spaces must have satisfactory disposal of surface waters by grading and drainage subject to approval by the Metropolitan Sewer District.

## I. Dimensional Standards for Parking Spaces and Drive Aisles

### 1. General

Standard car parking spaces and parking lot aisles shall comply with the minimum dimension standards established below.

### 2. Dimensional Adjustments

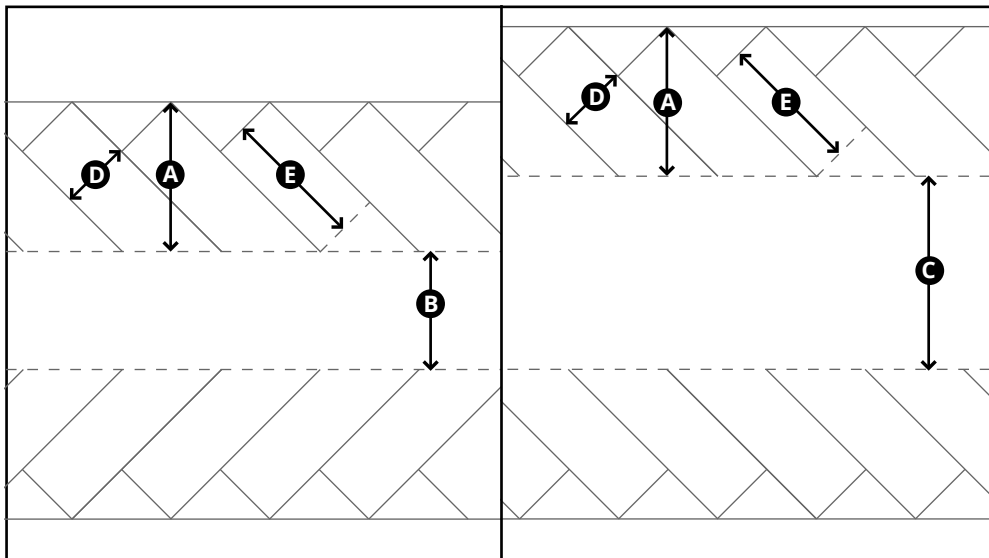
Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard parking space width be less than 8 feet. Reduction in design standards shall be subject to approval by the Director or City Engineer.

### 3. Vertical Clearance

All parking spaces shall have a minimum overhead clearance of 6 foot, 8 inches.

### 4. Reduction for Sidewalk and Planter Overhangs

When a parking space abuts a sidewalk or planter; the front 2 feet of the required parking space length may overhang the planter or sidewalk provided that wheel stops or curbing are provided and the remaining area outside of the overhang meets the minimum width requirements of the sidewalk or planter.



Minimum Dimensional Requirements					
Angle	Parking Row Depth	Drive Aisle Width		Space Width	Space Length
		One-Way	Two-Way		
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Parallel	8' <sup>1</sup>	12'	20'	8' <sup>1</sup>	20'
30°	17'	11'	24'	9'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	18'
Perpendicular	18'	24'	24'	8'	18'
Tandem	36'	24'	24'	8'	36'

<sup>1</sup> Width of on-street parallel parking shall be determined by standards set forth in Sec. [4703-7-1705-6](#). Specific to Thoroughfares.

## **5. Spaces Near Obstructions**

When the side of a parking space abuts a wall or other structure that is taller than 6 inches, the width of the parking space shall be increased by 2 foot, 6 inches.

## **J. Location on the Lot**

Location of required on-site parking is regulated by location in a Use District (see Chapter 1703) and by setbacks in a Form District (see Chapter 1705) and the following:

### **1. Parking lots with 20 or Fewer Spaces**

All on-site parking areas shall be separated at least 5 feet from buildings in order to provide a sidewalk between the building and parking area.

### **2. Parking Lots with more than 20 Spaces**

All on-site parking areas shall be separated at least 10 feet from buildings in order to make room for a sidewalk, landscaping, and other planting between the building and the parking area.

### **3. Exemption**

This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

## **K. Tandem Parking**

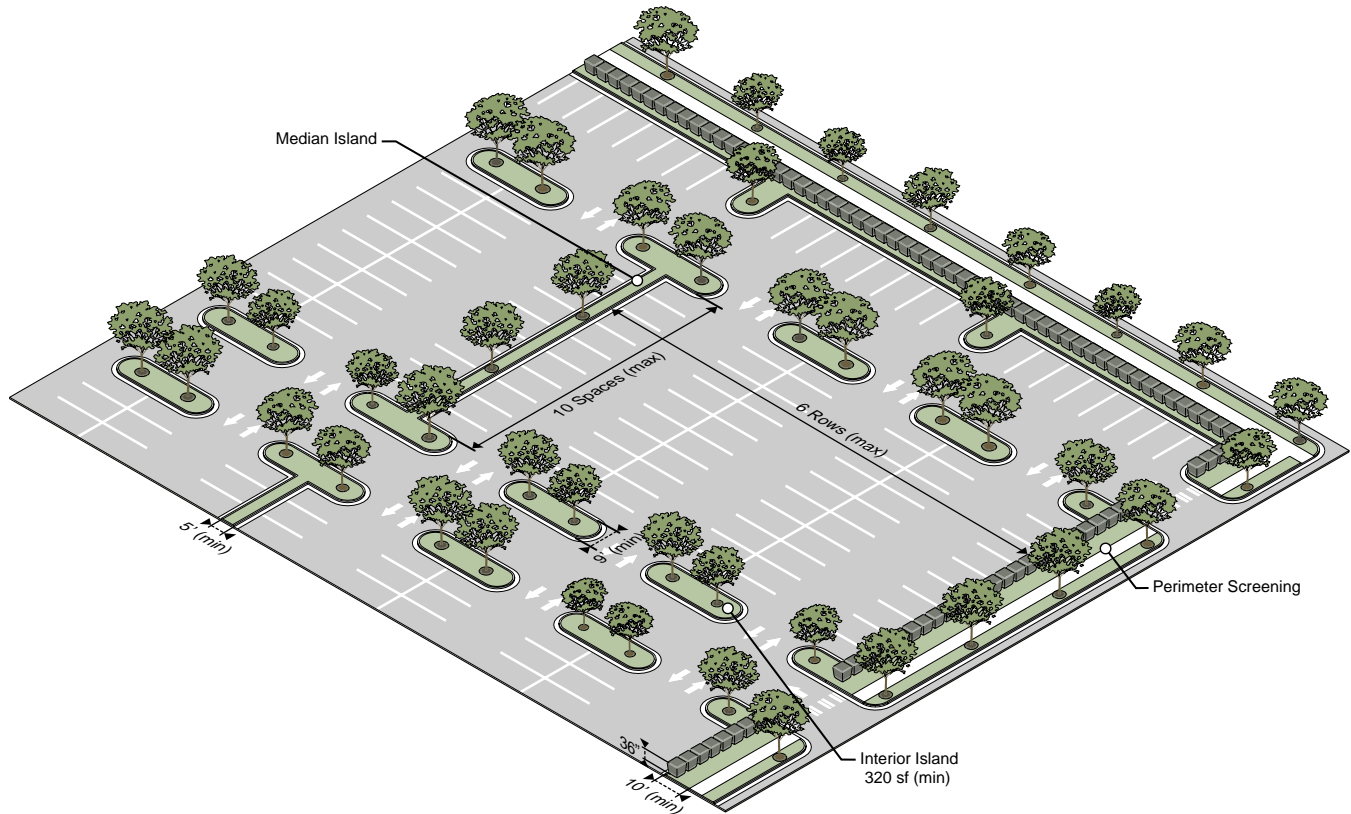
1. Tandem parking is ~~allowed~~ permitted for residential uses.
2. Both parking spaces in tandem must be assigned to the same dwelling unit.
3. Neither of the tandem parking spaces shall be for required accessible parking spaces.
4. Tandem parking may not be used to provide guest parking.



## 1711-1.5. Parking Lot Landscaping

### A. Applicability

Parking lot landscaping is required on all on-site surface parking lots with more than 20 spaces created after the effective date of this LDC. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.



### B. Perimeter Screening

All surface parking lots and drive aisles (of any size) including drive aisles with frontage on any portion of a street right-of-way (not including an alley) must be screened with the following:

1. A minimum 10-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.
2. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 3 feet in height within 3 years of planting.
3. The required 10-foot landscaped area may be reduced to 5 feet when a 3-foot high masonry wall is erected.
4. Breaks for bicycle, pedestrian and vehicle access are ~~allowed~~ permitted.

### C. Interior Islands

1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
2. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
3. An interior island must be a minimum of 9 feet in width and 320 square feet in area.
4. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

#### **D. Median Islands**

1. A landscape median island must be provided between every 6 single parking rows.
2. A landscape median island must be a minimum of 5 feet wide.
3. A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide and the remaining planting area must be no less than 5 feet wide.
4. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
5. Median islands not containing a sidewalk must be installed below the level of the parking lot surface to allow for runoff capture.

#### **E. Tree Coverage**

1. Each interior island must include at least 2 shade trees.
2. In no case can there be less than 1 tree for every 3,000 square feet of parking area, including driveways and drive aisles.

### **1711-1.6. Other Parking Standards**

#### **A. Larger Vehicle Parking**

1. Trucks, tractors or tractor-trailers having a capacity of more than a one-and-one-half-ton load, front- and rear-end loaders, or any commercial, industrial, agricultural or transportation vehicles or equipment shall not be parked or stored within any Single-Family or Multi-family district, or T3 or T4 zone for purposes other than short-term unloading, loading or delivery services, or temporary construction within the zone.
2. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved home occupation (one per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the above requirements.

#### **B. Storage of Unregistered or Inoperable Motor Vehicles**

Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates or inoperable, shall not be parked in a transect zone unless parked within a completely enclosed building.

#### **C. Cargo or Freight Containers**

Portable cargo or freight storage containers for purposes of loading or unloading, may be parked or stored for a period not to exceed 10 days.

#### **D. Commercial Auto Repairs**

Commercial repairs or restoration of vehicles shall only be conducted in the appropriate transect zones.

#### **E. Non-Commercial Auto Repairs**

Unlicensed vehicle restoration is permitted within an ~~allowed~~ permitted on-site parking area, provided the vehicles undergoing restoration or used for parts shall either be covered by a commercially manufactured opaque automobile cover in serviceable condition or stored in an enclosed building.

1. Not more than one vehicle per premises for either renovation or parts may be screened by use of a cover that shall be securely fastened to the vehicle.
2. Vehicles other than the screened vehicle shall be parked in an enclosed building.

#### **F. Sight Triangle**

No parking or loading area may interfere with the sight triangle requirements.

## 1711-1.7. Bicycle Parking

### A. Minimum Number of Parking Spaces

Bicycle parking must be provided in accordance with the following:

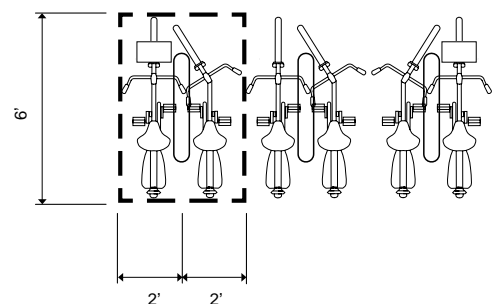
Use	Required Spaces (min)	Short-term/ Long term
<b>Residential</b>		
Multi-family dwelling, loft dwelling	0.5 per unit up to 2 bedrooms, plus 0.25 per additional bedroom	20%/80%
All other residential	None required	--
<b>Commercial/Services</b>		
All commercial/services	1 per 2,500 SF of GFA, 2 min	80%/20%
<b>Industry, Manufacturing and Processing</b>		
All industry, manufacturing and processing	1 per 7,500 SF of GFA, 2 min	20%/80%
<b>Recreation, Education, Public</b>		
All recreation, education, public	1 per 5,000 SF of GFA, 2 min	20%/80%
<b>Agriculture</b>		
All agriculture	None required	--
<b>Transportation, Communications, Infrastructure</b>		
Transportation, communications, infrastructure	None required	--

### B. Location of Required Bike Parking

#### 1. General Requirements

- In no case is a single use required to provide more than 24 bicycle parking spaces.
- Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips.
- Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 5 feet in width.
- Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.

- Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a 5 foot access aisle for wall mount parking.
- All racks must accommodate cable locks and "U" locks and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.



- g. Bicycle facilities may be placed within the public right-of-way, provided the encroachment is approved by the Director.

## **2. Short-Term Bicycle Parking**

Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible vehicle parking and within 100 feet.

## **3. Long-Term Bicycle Parking**

- a. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and must be accessible to intended users.
- b. Required long-term bicycle parking for residential uses cannot be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.
- c. With permission of the Director, long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet.
- d. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

## **2. Bank or Automatic Teller Machine**

A bank with a drive-thru or automatic teller machine with drive-thru must provide a minimum of 3 spaces measured from the teller box or machine.

## **3. Pharmacy**

A pharmacy with a drive-thru must provide a minimum of 3 spaces measured from the order box.

## **4. Dry Cleaner**

A dry cleaner with a drive-thru must provide a minimum of 3 spaces measured from the pick up door.

## **5. Car Wash**

A car wash must provide a minimum of 2 spaces in advance of a self-service bay and 6 space in advance of an automatic service bay.

## **6. Control Gate**

If a control gate is used to restrict entry for vehicles, a minimum of 1 space must be provided.

## **7. All Other Uses**

All other uses will be determined by the Director.

# **1711-1.8. Stacking**

## **A. Applicability**

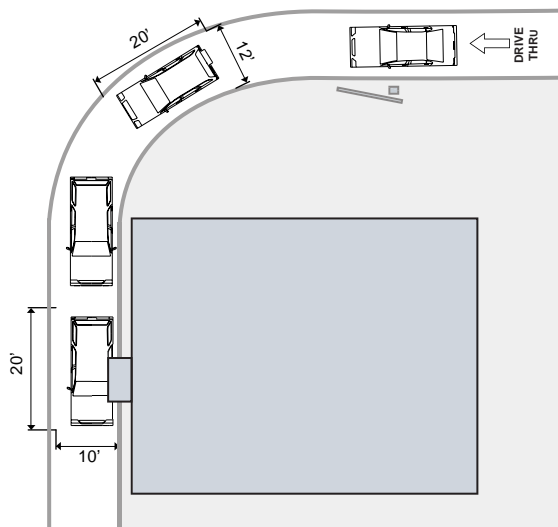
Adequate stacking space must be made available on-site for any use having a drive-thru, drive up service, control gate or areas having drop-off and pick-up.

## **1. Eating or Drinking Establishment**

An eating or drinking establishment with a drive-thru must provide a minimum of 6 spaces before the order board, with another 4 spaces provided between the order board and the transaction window.

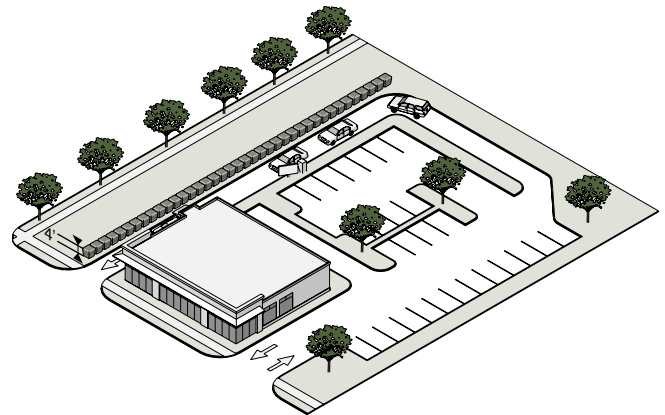
## B. Dimensions

1. The number of required stacking spaces includes the space at the window or communication/mechanical device (e.g., order board, pick up window).
2. If a drive-thru has multiple order boxes, teller boxes or pick up windows, the number of required stacking spaces may be split between each order box, teller box or pick up window.
3. Each stacking space must be a minimum of 20 feet in length and 10 feet in width along straight portions. Stacking spaces and stacking lanes must be a minimum of 12 feet in width along curved segments.
4. Vehicles may not encroach on or interfere with the public use of streets and sidewalks by vehicles, bicycles or pedestrians.
5. Drive-thru lanes must be separated by striping or curbing from other parking areas. Individual lanes must be striped, marked or otherwise distinctly delineated.
6. Drive thru establishments must provide a bypass lane. This does not apply to drive thru establishments that are designed as a drive thru facility only with no customer parking. The bypass lane(s) shall be a minimum of 10 feet in width along straight segments and 12 feet in width along curved segments.



## C. Screening

1. Where drive-thru windows and lanes are placed between a public street, not including an alley, or ground floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru must be screened.
2. Screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at least 3 feet in height and reach a height of 4 feet within 3 years of planting.
3. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material and color.



## 1711-1.9. Vehicle Loading

### 1. General Provisions

- a. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.
- b. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in the public right-of-way.
- c. If determined necessary by the Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

### 2. Location

If a loading area is required or provided, it must meet the following.

- a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.
- b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.
- c. Unless in CA, IH, RF-C, RF-M and DD-, the loading area cannot be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends.
- d. A loading area is not permitted within 100 feet of a residential district.



## Sec. 1711-2. Landscaping and Buffering

### 1711-2.1. Purpose

The purposes of the landscaping and buffer yard regulations are to:

- A. Promote attractive development and preserve the appearance and character of the surrounding area through the use of landscaping.
- B. Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots through buffering, which may include a combination of setbacks and visual buffers or barriers.
- C. Prescribe standards for the development and maintenance of planting, fences and walls.
- D. Ensure for safe vehicular and pedestrian circulation to and on-site when landscaping and buffering is implemented.

### 1711-2.2. Applicability

#### A. General

- 1. No building permit for the construction, reconstruction, enlargement, extension or alteration of any building or structure, or the use of land nor shall any building or structure be occupied until the required landscaping and/or buffer yard has been provided in accordance with this LDC. This Section does not apply to single-family dwellings and their respective lots.
- 2. In instances where plantings cannot be completed prior to building occupancy due to weather or other conditions refer to Sec. 1711-2.5.
- 3. If a building covers the entire lot, alternatives must be proposed by the applicant that strive to meet the purpose and spirit of this Section.

#### B. New Development or Redevelopment

Any new development or redevelopment of land must fully comply with the standards and regulations of this Section.

#### C. Additions and Enlargements

##### 1. Renovations or Repairs

A building or lot may be repaired or renovated without providing additional landscaping or buffer yards, unless there is an increase in gross floor area or improved lot area (e.g. expanded parking lot or building addition).

##### 2. Additions and Increases in Gross Floor Area

- a. When a building, accessory building, parking lot or structure, or lot is increased in gross floor area or improved lot area up to 30%, landscaping and/or buffer yard is required for the addition.
- b. When there is an increase in the gross floor area or lot improvement by more than 30%, the entire lot must conform to the landscaping and buffer yard requirements of this LDC.

#### D. Change in Use

Any change in use that increases development intensity and results in increased traffic, processes, noise, water or air pollution, must fully comply with these regulations. For the purposes of this Section, a change in use includes from:

- 1. A residential use to a commercial use;
- 2. A commercial use to a manufacturing use; and
- 3. In some cases from a manufacturing use to a commercial use.

## **1711-2.3. Landscaping, Buffer Yard and Screening Plan**

When landscaping, buffer yard or screening is required, a plan must be submitted in conjunction with other application materials, as provided in Chapter 1751, Administration.

### **A. Components of Plan**

A landscaping, buffer yard or screening plan must include a site plan meeting the requirements of Chapter 1751, Administration, and including the following:

1. The species and size of all existing trees greater than one and one-half inch caliper, showing those that are proposed for removal and those proposed for retention.
2. All proposed plant materials clearly labeled and drawn to size at maturity.
3. Adjacent land uses.
4. Plant list, indicating common names, botanical names and varieties, quantities, planting sizes and types and plant spacing for hedges and screens for all plant materials proposed.
5. Description of the proposed method of protecting existing trees during construction.
6. Maintenance plan for the care and replacement of plant materials.
7. Irrigation system, if any.
8. Type of fencing, wall or berm to be installed.

### **B. Required Plant Materials**

All plant materials must be suitable for Cincinnati's soils and climatic conditions and the plant's slope exposure. Plant materials for plant mix options are identified in Sec. ~~1703-1711~~-2.6.E.

1. Plant material should be distributed so as to provide a relatively uniform planting. Where the planting is along a street and some visibility into the development is desired, the plant material may be arranged to provide view corridors.

2. Ground cover must be installed appropriate to the surface conditions of the area. Grass is the default landscaping material, although in parking lots and on steep slopes, other ground covers able to withstand the physical conditions are appropriate.
3. The landscaped planting areas should be entirely pervious except for fence or wall structures and walks that provide pedestrian access. No more than 25% of the required area may consist of impervious materials such as gravel, stones, or paving.

## **1711-2.4. Landscaping Maintenance**

All plantings shown on the approved plan must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.

## **1711-2.5. Delayed Planting Installations**

Evidence of completion of required plantings must be supplied to the Director and submitted prior to issuance of a Building Permit. There may be cases where plantings cannot be completed prior to building occupancy due to weather or other conditions. In these instances, the city will require surety to be provided in the amount of 120 percent of the estimated cost of the landscaping and/or buffer yard to be provided. The form of the surety must be approved by the City Solicitor's Office.

## **1711-2.6. Transitional Buffer Yards**

Transitional buffer yards are intended to eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Transitional buffering may include a combination of setbacks and visual buffers or barriers. Sec. ~~1703-1711~~-2.6.D and Sec. ~~1703-1711~~-2.6.E prescribes the minimum buffer yard requirements.

### **A. Required Buffer Yard**

Buffer yards are required between certain districts with the type of yard depending on the adjoining zoning district. Sec. ~~4703-1711~~-2.6.D identifies the required buffer yards between adjoining districts.

### **B. Buffer Yard Plan**

A buffer yard plan must be submitted in conjunction with other application materials, as provided in Chapter 1751, Administration. The buffer yard plan must incorporate a landscaping plan. The buffer yard plan must show the location of all buffer yards on the site, location of utility easements, roads, emergency access, walkways and existing and proposed structures on the site.

### **C. Location**

Required buffer yards must be developed along the perimeter of the lot and extend inward from the property line of the development site. Buffer yards may not be located within any dedicated public or private street right-of-way.

## D. Required Buffer Yards

District of Proposed Use	Adjoining District	Yard Condition	Buffer Type Required
RM or RM-L Districts	SF	Side or Rear	A, B or C
	PR (Except RM-L)	Side or Rear	A, B or C
RX	SF	Side or Rear no Loading	A or C
		Any Yard with Loading	A or B
	RM or RM-L	Side or Rear no Loading	A or C
		Any Yard with Loading	A or B
	PR	Side or Rear no Loading	A, B or C
		Any Yard with Loading	A or B
	Other Districts	Front, Side or Rear	None
NX	SF	Side or Rear no Loading	A or B
		Any Yard with Loading	A or B
	RM or RM-L	Side or Rear no Loading	A, B or C
		Any Yard with Loading	A or B
	PR	Side or Rear no Loading	A, B or C
		Any Yard with Loading	A or B
	Other Districts	Front, Side or Rear	None
CX and CA	SF	Side or Rear no Loading	A or B
		Any Yard with Loading	A or B
	RM or RM-L	Side or Rear no Loading	A, B or C
		Any Yard with Loading	A, B or C
	PR	Side or Rear no Loading	A, B or C
		Any Yard with Loading	A, B or C
	Other Districts	Front, Side or Rear	None
DD	SF	Side or Rear no Loading	A or B
		Any Yard with Loading	A or B
	RM or RM-L	Side or Rear no Loading	A or B
		Any Yard with Loading	A or B
	Other Districts	Front, Side or Rear	None

District of Proposed Use	Adjoining District	Yard Condition	Buffer Type Required
IX and IH	SF, RM and RM-L	Side or Rear	A or B
		Front No Storage	None
		Front with Storage	A or B
	RX, NX, CX, and CA	Side or Rear	A or B
		Front No Storage or Loading	None
		Front with Storage or Loading	A or B
	DD	Side or Rear	A, B or C
		Front No Storage or Loading	None
		Front with Storage or Loading	A, B or C
	PR	Side or Rear	A, B or C
		Front No Storage or Loading	None
		Front with Storage or Loading	A or B
RF Districts (Except Residential Uses of RF-R District)	Other Districts	Front, Side or Rear	None
	SF, RM, RM-L and Residential Uses of RF-R	Front or Side	A or B
	PR	Front or Side	A or B
	RX, NX, CX and CA	Front or Side	A, B or C
	DD	Front or Side	A, B or C
	Other Districts	Front or Side	None

## E. Buffer Yard Standards

The table below prescribes the minimum width, screening and landscaping for required buffer yards.

**Number of Plants<sup>1</sup> per 50 Linear Feet of Buffer Yard**

Buffer Type	Width feet	Height of Berm in Feet	Height of Screen Wall or Fence in Feet	Number of 2 Foot High Shrubs	Number of 6 Foot High Evergreen Trees	Number of 1.5 inch Caliper Trees	Number of 2.5 Inch Caliper Trees
<b>Buffer Yard A</b> With Fence	10	--	6	--	--	--	--
	15	--	6	--	1	2	1
	25	--	6	--	2	2	2
	35	--	6	--	4	2	3
<b>Buffer Yard B</b> With Berm	15	4	--	12	--	2	--
	25	6	---	6	2	2	1
	35	8	--	--	3	2	2
<b>Buffer Yard C</b> Without a Fence or Berm	50	--	--	20	5	5	5

<sup>1</sup> Height at Installation

## F. Uses Permitted in Buffer Yards

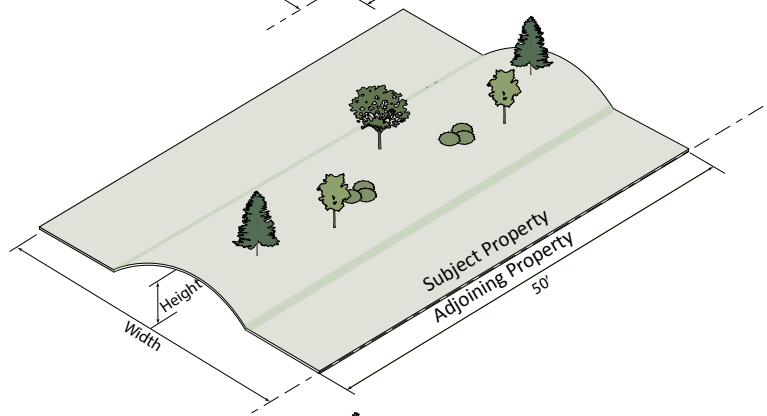
Buffer yards may be used as required yards, stormwater management areas, open space or driveways. Accessory structures and surface parking are not permitted in a required buffer yard.

### Buffer Yard Graphic Examples

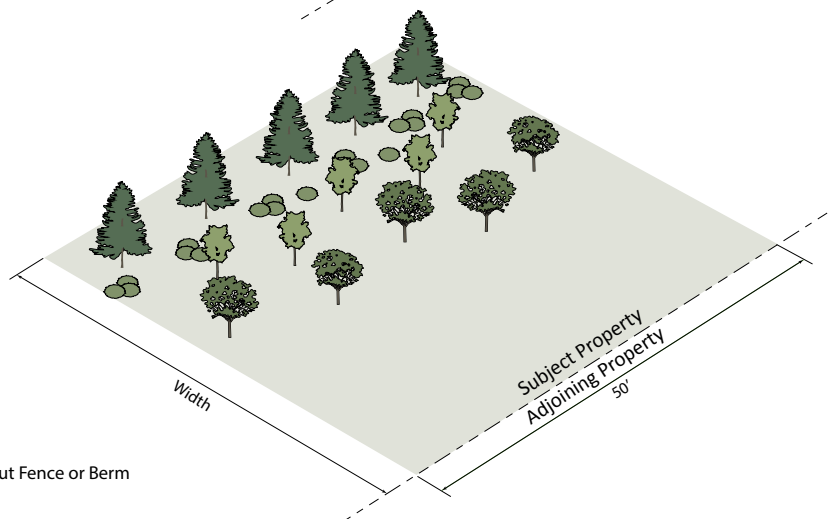
Type A:  
Buffer Yard With Fence



Type B:  
Buffer Yard With Berm



Type C:  
Buffer Yard Without Fence or Berm





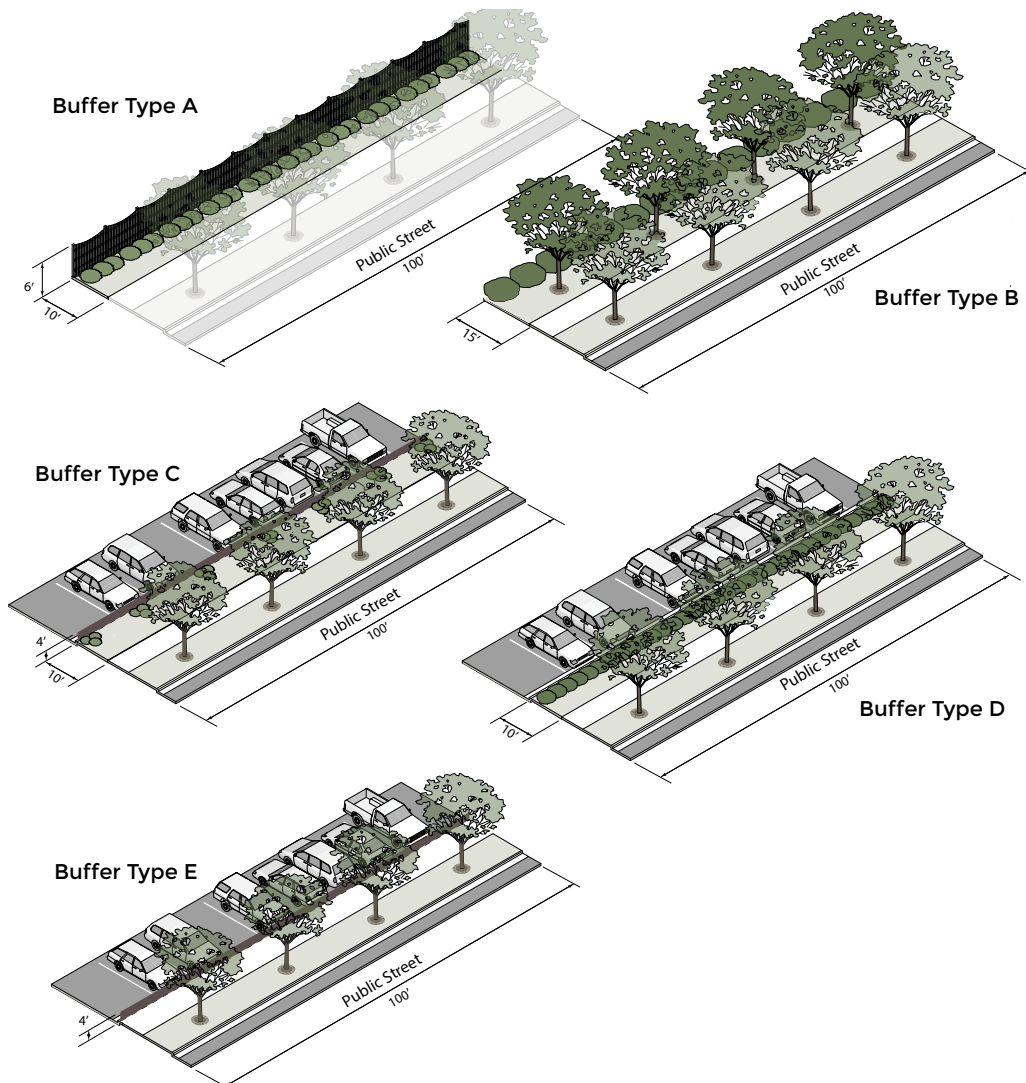
## 1711-2.7. Street Buffer Yards

Street buffer yards are intended to minimize the visual impact between off-street parking areas, off-street loading areas and the public right-of-way. Buffering may include a combination of setbacks and visual buffers or barriers. The table below defines the options for street buffer yards.

**Table 1705-2.C Number of Plants per 100 Linear Feet of Buffer Yard**

Buffer Type	Use	Width (max)	Height of Wall or Fence (max)	Number of 3' High Shrubs (min)	Number of 2.5" Caliper Trees (min)
A	Off-Street Loading	10'	6'	30	--
B	Off-Street Loading or Parking	15'	--	15	4
C	Off-Street Parking	10'	4'	21	--
D	Off-Street Parking	10'	--	30	--
E	Off-Street Parking - Downtown Districts	0'	4'	0	0

**Street Buffer Yard Graphic Examples**



## **1711-2.8. Placement**

- A.** Buffer yards shall be located along the outer perimeter of the lot and shall run parallel to the subject property lot line along its entire length.
- B.** A buffer yard may be included in the calculation of setback requirements.

## **1711-2.9. Encroachments**

- A.** Buffer yards shall not encroach on any adjacent property, public right-of-way or utility easement.
- B.** No primary or accessory structure, parking lot or loading area shall be located in the buffer yard area.
- C.** Sidewalks, bike paths and driveways may encroach in to the buffer yard by using the most direct path from the right-of-way to the site.

## **1711-2.10. Buffer Yard Screening Devices**

### **A. Fences**

- 1.** Fences must be of an opacity capable of screening the site and providing an effective visual buffer.
- 2.** Acceptable materials include weather resistant wood, PVC vinyl or composite material.
- 3.** The finished side of the fence shall face the adjacent property or right-of-way.
- 4.** Fences shall not exceed 6 feet in height for transitional buffer yards and 4 feet in height for street buffer yards.

### **B. Walls**

- 1.** Walls must be capable of screening the site and providing an effective visual buffer.
- 2.** Materials or colors are recommended to be similar to the primary building on the site. High quality, durable materials are required including the use of brick, natural stone, decorative block, split faced block, pre-cast stone or stucco over concrete masonry block or other similar material approved by the City.

- 3.** Walls shall not exceed 6 feet in height for transitional buffer yards and 4 feet in height for street buffer yards. However, a 3 or 4 foot wall may incorporate a wrought iron fence element such that the total height of the wall and fence does not exceed 6 feet.

### **C. Berms**

- 1.** The berm must be formed by gradual slope with a rounded top suitable for planting and stabilized slopes. An acceptable slope is 3:1.
- 2.** Required tree and shrub plantings shall be on or near the crown closest to the adjacent property.

## Sec. 1711-3. Signs

### 1711-3.1. General Provisions

#### A. Purpose

1. Provide property owners and occupants an opportunity for effective identification subject to reasonable, yet appropriate conditions for identifying goods sold or produced or services rendered in all districts.
2. Maintain and enhance the quality of the City's appearance by:
  - a. Controlling the size, location and design of temporary and permanent signs to reduce sign clutter, ensure that signs are aesthetically harmonious with their surroundings, and enhance the overall appearance of the built environment;
  - b. Preserving and perpetuating uncluttered and natural views, significant architecture and cultural resources for the enjoyment and environmental enrichment of the citizens of the community and visitors; and
  - c. Protecting Residential Districts from adverse impacts of excessive signs both from within Residential Districts and from surrounding districts.
3. Ensure that signs are located and designed to:
  - a. Maintain a safe and orderly pedestrian and vehicular environment.
  - b. Reduce potentially hazardous conflicts between commercial or identification signs and traffic control devices and signs.

#### B. Applicability

No sign may be erected, altered, refurbished or otherwise modified after the effective date of this LDC except in accordance with the requirements of this LDC. Additional sign rules apply as follows:

1. Sec. 1703-6-4, Institutional-Residential District; and
2. Sec. 1703-7, Downtown Districts.

#### C. Building Permit Required

1. Except as specifically excluded, it is unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the City without first having obtained a building permit.
2. Every sign for which a building permit is issued, must be plainly marked with the permit number issued for the sign. The Division of Buildings and Inspections will issue an identifier with the building permit.

#### D. Noncommercial Messages

1. Whenever these sign regulations permit a commercial sign, a noncommercial message may be substituted in lieu of the commercial message. For purposes of this subsection, a "commercial sign" means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
2. Where non-commercial messages are **allowed permitted** or referenced in this section, the reference or allowance does not prohibit any other non-commercial message in the same location. Examples of non-commercial messages provided in this section do not prohibit the substitution of any other non-commercial message.
3. The right to substitute the noncommercial message does not waive any other requirement imposed by this LDC as to number, size, construction, location, lighting, safety or any other regulated attribute.

#### E. Off-Site Signs

Off-site signs are permitted only in the CX, CG, and IH zoning districts and must be displayed in compliance with Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code.

#### F. Removal of Illegal Signs

1. An owner of property where an illegal sign is displayed shall remove all illegal signs.

2. If the Director of Buildings and Inspections finds an illegal sign, the Director may issue an order for the sign to be removed within 60 days and issue a notice of civil violation to an owner who fails to comply with an order to remove an illegal sign.
3. If the property owner is found guilty of failing to comply with an order to remove an illegal sign, the Director of Buildings and Inspections notify the owner that the sign is a public nuisance and to cause the illegal signs to be removed pursuant to Cincinnati Municipal Code Sec.1101-57, Demolition of Buildings and Removal of Illegal Signs by the Director of Buildings and Inspections.

### **G. Nonconforming Signs**

1. A nonconforming sign must be brought into conformity with this Section, when:
  - a. The sign is structurally altered, rebuilt, enlarged, extended, or relocated; or
  - b. When the principal use of the property is changed from a commercial use to a residential use;
2. The repainting or refacing of an existing nonconforming sign is not considered an alteration within the meaning of this subsection.

### **H. Maintenance, Abandonment and Removal**

1. All signs must be maintained in a condition or state of equivalent quality to which was approved or required by the City.
2. An on-premise sign advertising an activity, business, service or product must be removed or the sign face replaced with a blank face within 60 days of the activity, business, or service promoted by the sign being discontinued on the premises where the sign is displayed. The activity, business or service is "discontinued" when: (1) its business license (CMC Chapter 801) expires, lapses or is revoked, (2) it is abandoned (see Chapter 1709), (3) substantially

all of the items to be sold or used to operate the business are removed from the premises, or (4) the activity, business or service has taken any other action that indicates that the activity have permanently ceased, as determined by the Administrator. If more than one of the events listed above applies, the earliest date is considered the date of discontinuance.

3. If the use is not reestablished or a new use is not established within two years and a replacement sign face conforming to this Section installed, then the entire sign structure and mounting hardware must be removed.

### **I. Signs in Historic Districts or on Landmarks**

Signs in historic districts or on historic landmarks require a Certificate of Appropriateness and shall conform to any applicable guidelines for the district. See Sec. 1707-1.

## **1711-3.2. Prohibited Signs**

### **A. Prohibited Locations**

1. No permanent sign may be installed within or above the public right-of-way unless displayed by a governmental entity or pursuant to a revocable street privilege.
2. Signs must not be located on any property without prior authorization granted by the property owner, or in the case of public parks or any public property without the permission of the City.
3. Signs must not be located where the view of approaching or intersecting traffic would be obstructed.
4. Signs must not be located as to interfere with the safe movement of vehicles, bicycles or pedestrians entering, leaving, or crossing a public right-of-way.
5. Signs must not be located on the roofs of buildings or structures.
6. Yard signs must not interfere with pedestrian movement along sidewalks and paths.

7. Signs must not be attached to any traffic control sign, utility pole, street sign, or tree in the public right of way.
8. Signs must not be mounted, attached or painted on a trailer, boat or motor vehicle when parked, stored, or displayed within or visible from the public right-of-way in a manner intended to attract attention for advertising purposes. Other signs are **allowed permitted** if the following standards are met:
  - a. The sign is painted on, adhered with vinyl film, or magnetically attached to a motor vehicle or trailer;
  - b. The motor vehicle or trailer is used is not for the primary purpose of advertising.

## B. Prohibited Features

1. Moving, flashing or animated signs including but not limited to searchlights, streamers and spinners;
  2. Inflatable signs, including but not limited to balloons, gas inflated signs or similar inflated signs;
  3. Portable signs, except for Sandwich Board Signs as **allowed permitted** in Sec. 1711-3.5.P.
  4. Flags, other than those specifically **allowed permitted** in Sec. 1711-3.3.F; and
  5. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.
- D. Signs that resemble cards or stamps (such as credit card, trading stamp, or trade association signs) not exceeding 0.5 square feet each and not exceeding 10 per establishment.
  - E. Flags not exceeding 72 square feet each. A flag may be displayed on a pole not exceeding the 35 feet or the height of the principal structure on the site, whichever is less. No more than 4 flags or flagpoles are permitted per site.
  - F. One sign per dwelling unit or per business, not exceeding one square foot each. These are typically used for identification purposes.
  - G. Instructional signs provided that such signs are limited to a maximum of 6 square feet in area. If constructed as a ground mounted sign the maximum height is 4 feet.
  - H. Temporary signs in residential zoning districts that are tied to an event (such as open houses) that are:
    1. Limited in number to a maximum of 4 per event;
    2. Limited in size to a maximum of 12 square feet in area;
    3. Located at least 12 feet from the edge of the street pavement;
    4. Installed the day before the event; and removed the same day of the event after its conclusion; and
    5. In no case can the sign be installed for more than 48 continuous hours.
  - I. Real estate sign
    1. One real estate sign is **allowed permitted** per site per street frontage, and is limited in size to a maximum of 12 square feet.
    2. The sign may be a ground sign, a window sign, or a wall sign.
    3. All signs must be removed within 14 days after the sale, lease, or rental has occurred. These signs may only be installed on the property to which they refer.

## 1711-3.3. Exempt Signs

The following types of signs are exempt from the building permit requirement of Sec. 1711-3.1.C:

- A. Displays in accordance with Sec. 723-65, Displaying House Numbers, of the Cincinnati Municipal Code.
- B. Signs authorized by the City in the public right-of-way not exceeding 20 square feet in area and 8 feet in height.
- C. Signs or tablets that are integral to a building facade, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent material.

### 1711-3.4. Temporary Signs






Temporary signs are ~~allowed~~ permitted and must meet the following standards:

- A. Requires obtaining a building permit or a certificate of compliance;
- B. Can only be externally illuminated; and
- C. Only one sign used for commercial purposes is ~~allowed~~ permitted per perimeter street frontage.
- D. A temporary sign may be erected a maximum of ~~forty-five (45)~~ days preceding the event. A temporary sign must be removed within ~~ten (10)~~ days after the event.
- E. Temporary signs attached to a wall are limited to 12 square feet in residential districts, and 36 square feet in commercial districts and 8 feet in vertical dimension.
- F. Ground signs are limited to 32 square feet in residential districts and 64 square feet in commercial districts.

## 1711-3.5. Signs Requiring a Building Permit





### A. Sign Types



The following types of signs require a building permit issued in accordance with Sec. 1711-3.1.C.

Sign Descriptions	
Specific Sign Type	Illustration
<b>Building Signs</b>	
<b>Awning Sign.</b> A sign a sign painted on or attached flat or flush against the surface of an awning.	
<b>Bracket Sign.</b> This sign type is mounted perpendicular to a building's facade.	
<b>Directory Sign.</b> A sign attached to a wall or mounted on the ground. This type of sign typically provides a listing of establishments within a building or series of buildings.	
<b>Marquee Sign.</b> This sign type is a vertical sign that is located either along the face, where it projects perpendicular to the facade, or at the corner of the building, where it projects at a 45 degree angle.	
<b>Projecting Sign.</b> The projecting sign type is mounted perpendicular to a building's facade (similar to a bracket sign) and extends more than 1 foot.	

Sign Descriptions	
Specific Sign Type	Illustration
<b>Building Signs</b>	
<b>Suspended Sign.</b> This sign type is mounted to the underside of beams or ceilings of a porch, breezeway or similar covered area.	
<b>Wall Sign.</b> This sign type is flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building.	
<b>Wall Mural Sign.</b> This sign type is flat against a secondary facade, typically along a side street or alley. These signs are typically painted directly on the building and contain a combination of text and graphic elements.	
<b>Window Sign.</b> This sign type is professionally painted consisting of individual letters and designs or gold leaf individual letters and designs, applied directly on the inside of a window.	



Sign Descriptions	
Specific Sign Type	Illustration
<b>Ground Signs (excludes off-site signage)</b>	
<b>Freestanding Sign.</b> The freestanding sign type is a permanently affixed sign which is wholly independent of a building for support and is attached along its entire width to a continuous pedestal.	
<b>Landscape Wall Sign.</b> This sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location.	
<b>Pole/Monument Sign.</b> This sign type encompasses a variety of signs that are not attached to a building and have an integral support structure. Two varieties include: Pole/Monument and Pole. <b>This sign type also includes scoreboards.</b>	
<b>Sandwich Board Sign.</b> A portable sign that is ordinarily in the shape of an "A" with back to back sign faces, an easel, or a similar configuration. This sign type is typically used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo).	

Sign Descriptions	
Specific Sign Type	Illustration
<b>Yard Sign.</b> This sign type is mounted on a porch or in a yard between the public right-of-way and the building facade.	
<b>Other</b>	
<b>Entry Feature Sign.</b> The entry feature sign type is a permanent on-site ground sign or wall sign located along or interior to an entry of a platted subdivision that is zoned or legally restricted for residential use, or a mix of residential and supporting commercial uses. This sign type typically serves to identify the name of a residential, commercial, or industrial subdivision, mixed use or multifamily development, or a planned development district.	

## B. Signs ~~Allowed~~ Permitted by District

The following sign types are ~~allowed~~ permitted by district. Specific requirements for each sign type are shown on the following pages.

		Building Signs									Ground Signs					
		Awning/ Canopy	Bracket	Directory	Marquee	Projecting	Suspended	Wall	Wall Mural	Window	Freestanding	Landscape Wall	Pole/ Monument	Sandwich Board	Yard	Entry Feature
Single-Family	SF-20	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	SF-10	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	SF-6	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	SF-4	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	SF-2	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
Multi-Family	RM-L	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	RM-M	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
	RM-H	--	*	--	--	--	*	*	--	--	*	*	*	--	*	P
Mixed Use	RX	*	*	*	--	--	*	*	--	*	*	*	*	--	*	P
	NX	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	CX	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	CA	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
Industrial	IA	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	IH	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	IX	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
Riverfront	RF-R	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	RF-C	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
	RF-M	P	P	P	--	P	P	P	--	P	P	P	P	P	P	P
Parks and Recreational	PR	--	--	P	--	--	--	P	--	P	P	--	P	--	--	P
Institutional Residential	IR	Sec. 1703-6-4,														
Downtown	DD-A	Sec. 1703-7, Downtown Districts														
	DD-B															
	DD-C															
	DD-C															

P = sign type permitted    \* = sign type permitted for nonresidential uses only    -- = sign type not permitted

		Building Signs									Ground Signs					
		Awning/ Canopy	Bracket	Directory	Marquee	Projecting	Suspended	Wall	Wall Mural	Window	Freestanding	Landscape Wall	Pole/ Monument	Sandwich Board	Yard	Entry Feature
T Zones	T3E	--	--	--	--	--	--	*	--	--	--	*	*	*	--	?
	T3N	--	--	--	--	--	--	*	--	--	--	*	*	*	--	?
	T4N.MF	--	--	P	--	--	--	*	--	--	--	*	*	*	--	?
	T4N.SF	--	--	P	--	--	--	*	--	--	--	*	*	*	--	?
	T5MS	P	P	P	P	--	P	P	P	P	--	P	--	P	--	?
	T5N.LS	P	P	P	P	--	P	P	P	P	--	P	--	P	P	?
	T5N.SS	P	P	P	P	--	P	P	P	P	--	P	--	P	P	?
	T5F	P	P	P	P	--	P	P	P	P	--	P	--	P	P	?
	T6	P	P	P	P	--	P	P	P	P	--	P	--	P	--	?

P = sign type permitted \* = sign type permitted for nonresidential uses only -- = sign type not permitted

### C. Allocation of Sign Area

The maximum sign area for each sign type is determined by district and is established below.

	Building Signs	Ground Signs	Entry Feature Sign
SF, MF, RM, PR	24 sf (public or semi-public uses) 12 sf (all other nonresidential uses)		1 sf per DU or commercial tenant up to 25 sf
RX	.75 sf per linear ft of building frontage	.375 sf per linear ft of lot frontage	1 sf per DU or commercial tenant up to 25 sf
NX	1 sf per linear ft of building frontage	.5 sf per linear ft of lot frontage	1 sf per DU or commercial tenant up to 25 sf
CX	1.5 sf per linear ft of building frontage	.75 sf per linear ft of lot frontage	1 sf per DU or commercial tenant up to 25 sf
CA	2 sf per linear ft of building frontage	1 sf per linear ft of lot frontage	1 sf per DU or commercial tenant up to 25 sf
I, RF	2 sf per linear ft of building frontage	1 sf per linear ft of lot frontage	1 sf per DU or commercial tenant up to 25 sf
T3E, T3N, T4N. MF, T4N. SF, T5MS, T5N.LS, T5N. SS, T5F, T6C	1 sf per linear ft of building frontage	1 sf per linear ft of lot frontage	??

- The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the type of sign.
- In no case may the total area of all signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.
- No more than 2 building sign types may be used on a single building.

## D. Awning Sign



### Description

A sign a sign painted on or attached flat or flush against the surface of an awning

### Size

#### Projecting

Signable Area	see Sec. 1711-3.5.C	<b>A</b>
Height	16" max.	<b>B</b>
Lettering Thickness	6" max.	<b>C</b>

#### Sloping Plane

Area	25% coverage max.	<b>D</b>
Lettering Height	18" max.	<b>E</b>

#### Valance

Area	75% coverage max.	<b>F</b>
Width	Shopfront width, max.	<b>G</b>
Height	8" min.; 16" max.	<b>H</b>
Lettering Height	8" max.	<b>I</b>

### Location

Clear Height	8' min.	<b>J</b>
Signs per Awning	1 projecting, or 1 valance and 1 sloping plane, max.	

### Illumination

**Use District:** Signs on a fabric awning cannot be illuminated. Signs on a projecting canopy can be externally or internally illuminated in accordance with Sec. 1711-3.7.

**Form District:** An awning sign cannot be illuminated.

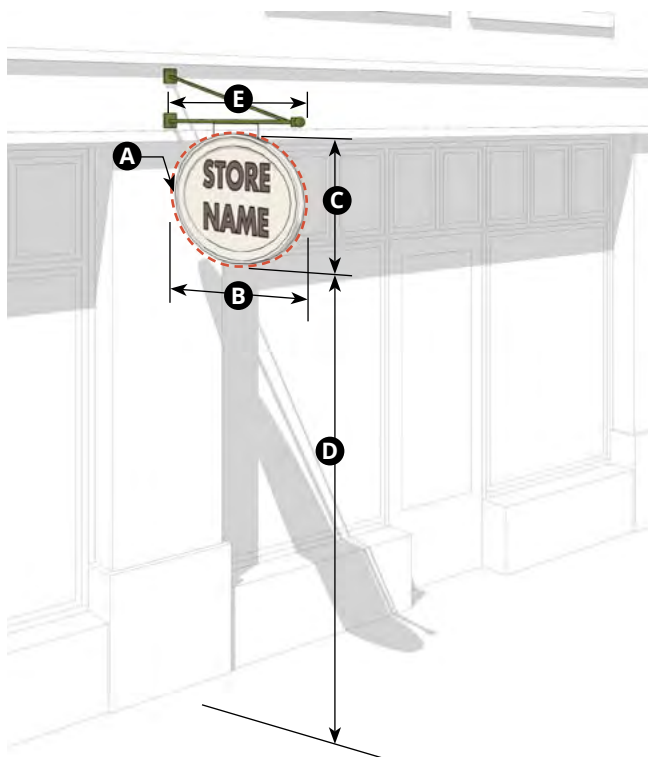
### Miscellaneous

The sign may be attached to the drip-flap or top of an awning fabric, or on the top of a projecting canopy.

Open-ended awnings are ~~allowed~~ permitted.

Vinyl or plastic awnings are prohibited.

## E. Bracket Sign

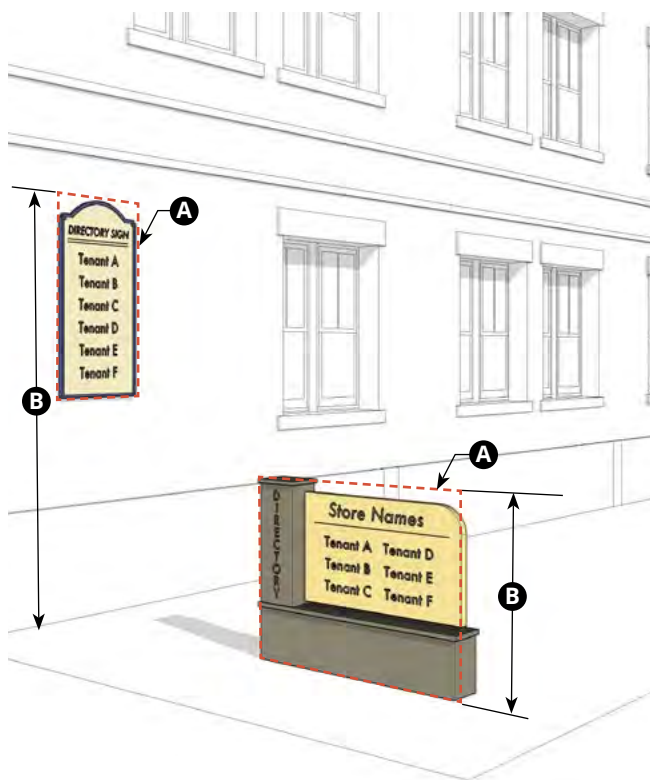


Description		
<b>Bracket Sign.</b> This sign type is mounted perpendicular to a building's facade		
Size		
Signable Area	see Sec. 17011-3.5.C	
Sign		
Area	6 sf max.	<b>A</b>
Width	36" max.	<b>B</b>
Height	36" max.	<b>C</b>
Thickness	4" max. <sup>1</sup>	

<sup>1</sup>Special and creative signs that have a 3 dimensional quality may have a greater thickness subject to approval by the Director.

Location		
Clear Height	8' min.	<b>D</b>
Projection	4' max.	<b>E</b>
Signs per Entry Door	1 max.	
Illumination		
<b>Use District:</b> A bracket sign can only be externally illuminated in accordance with Sec. 1711-3.7.		
Form District: A bracket sign cannot be illuminated.		

## F. Directory Sign



### Description

A sign attached to a wall or mounted on the ground. This type of sign typically provides a listing of establishments within a building or series of buildings

### Size

**Signable Area** see Sec. 1711-3.5.C

**Area** 6 sf max. **A**

### Location

**Height** **B**

**Wall Mounted** 8' max.

**Freestanding**<sup>1</sup> 3' max.

**Signs per Building** 1 max.

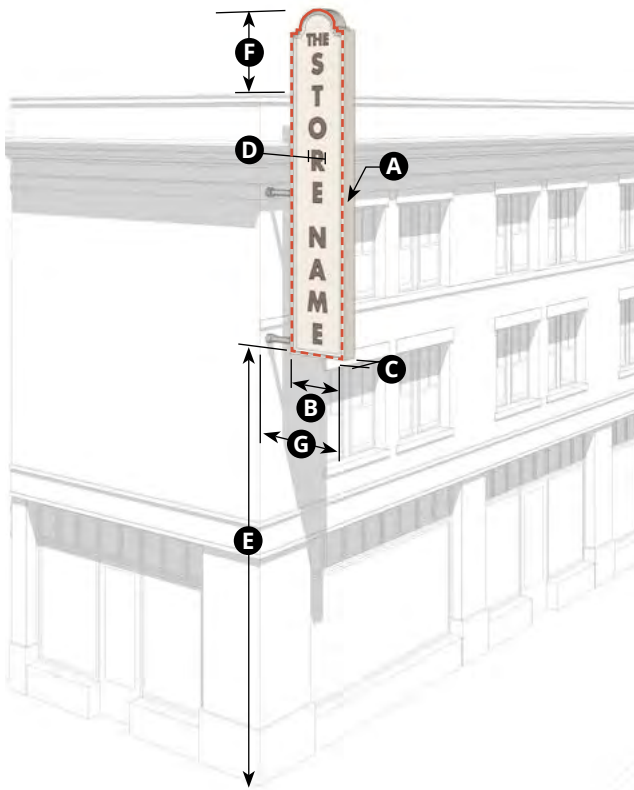
<sup>1</sup>See Sec. 1711-3.5.O (Pole/Monument sign type) for additional standards.

### Illumination

**Use District:** A directory sign can only be externally illuminated in accordance with Sec. 1711-3.7.

**Form District:** A directory sign cannot be illuminated.

## G. Marquee Sign



### Description

This sign type is a vertical sign that is located either along the face, where it projects perpendicular to the facade, or at the corner of the building, where it projects at a 45 degree angle

### Size

**Signable Area** see Sec. 1711-3.5.C **A**

### Sign

**Width** 24" max. **B**

**Depth** 10" max. **C**

### Lettering

**Width** 75% of sign width max. **D**

### Location

**Clear Height** 12' min.<sup>1</sup> **E**

**Extension** 10' max.<sup>2</sup> **F**

**Projection** 6' max. **G**

**Signs per Building** 1 max.

<sup>1</sup>When located over driveways or alleys, Marquee Signs shall have a minimum clear height of 16'.

<sup>2</sup>Marquee signs may not extend beyond the eave of a pitched roof.

<sup>3</sup>Maximum of one projecting sign or marquee sign per establishment.

### Miscellaneous

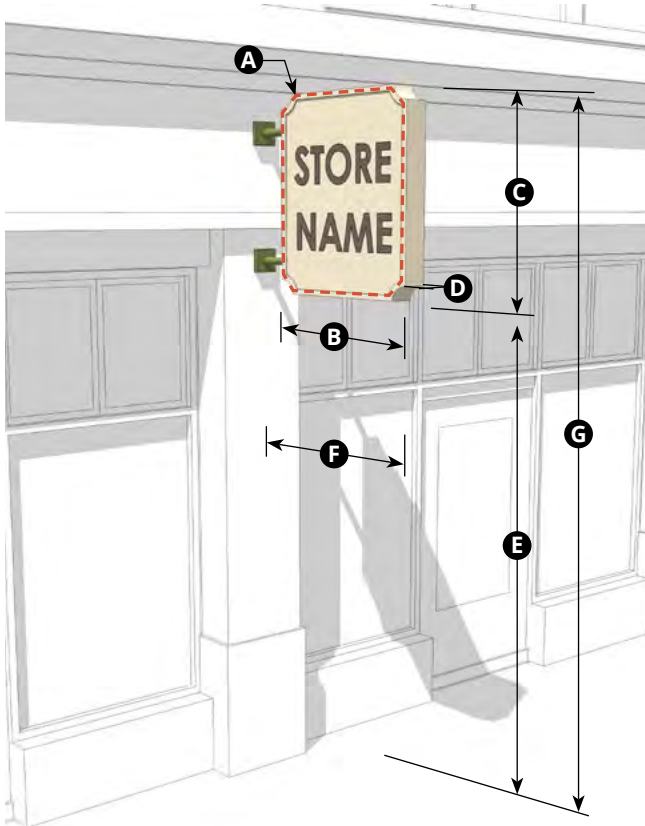
Neon lettering may only be used in conjunction with painted lettering; signs consisting only of neon lettering are not permitted.

Shall only be located along or oriented toward a street frontage.

Only 1 marquee sign is ~~allowed~~ permitted on the front facade of a building.



## H. Projecting Sign



Description		
The projecting sign type is mounted perpendicular to a building's facade (similar to a bracket sign) and extends more than 1 foot.		
Size		
Signable Area	see Sec. 1711-3.5.C	<b>A</b>
<b>Sign</b>		
Width	3.5' max.	<b>B</b>
Height	8' max.	<b>C</b>
Thickness	1' max	<b>D</b>

The top of a projecting sign can be no higher than the top of the building.

Location		
Clear Height	10' min. <sup>1</sup>	<b>E</b>
Projection	6' max.	<b>F</b>
Height above Grade	20' max.	<b>G</b>
Signs per Establishment	1 max. <sup>2</sup>	
<sup>1</sup> When located over driveways or alleys, Projecting signs shall have a minimum clear height of 16 feet.		
<sup>2</sup> A projecting sign must be at least 25 feet from any other projecting sign.		
Illumination		

A projecting sign can be externally or internally illuminated in accordance with Sec. 1711-3.7.

## I. Suspended Sign



### Description

This sign type is mounted to the underside of beams or ceilings of a porch, breezeway or similar covered area.

### Size

**Signable Area** see Sec. 1711-3.5.C

### Sign

<b>Area</b>	6 sf max.	<b>A</b>
<b>Width</b>	36" max.	<b>B</b>
<b>Height</b>	36" max.	<b>C</b>

### Location

<b>Clear Height</b>	8' min.	<b>D</b>
<b>Signs per Entry Door</b>	1 max.	

### Illumination

**Use District:** A suspended sign can only be externally illuminated in accordance with Sec. 1711-3.7.

**Form District:** A suspended sign cannot be illuminated.

## J. Wall Sign



### Description

This sign type is flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building.

### Use Districts

**Signable Area** see Sec. 1711-3.5.C

#### Area

<b>SF, MF</b>	24 sf max. (public or semi-public uses), 12 sf max. (all other nonresidential uses)
<b>RX</b>	36 sf max.

### Form Districts

**Signable Area** see Sec. 1711-3.5.C

#### Sign

<b>Area</b>	80 sf max.	<b>A</b>
<b>Width</b>	Shopfront width, max.	<b>B</b>
<b>Height</b>	12" min.; 3' max.	<b>C</b>

#### Lettering

<b>Width</b>	75% of signable width, max.	<b>D</b>
<b>Height</b>	75% of signable height or 10" (whichever is lesser) max.	<b>E</b>

### Location

**Projection** 8" max.

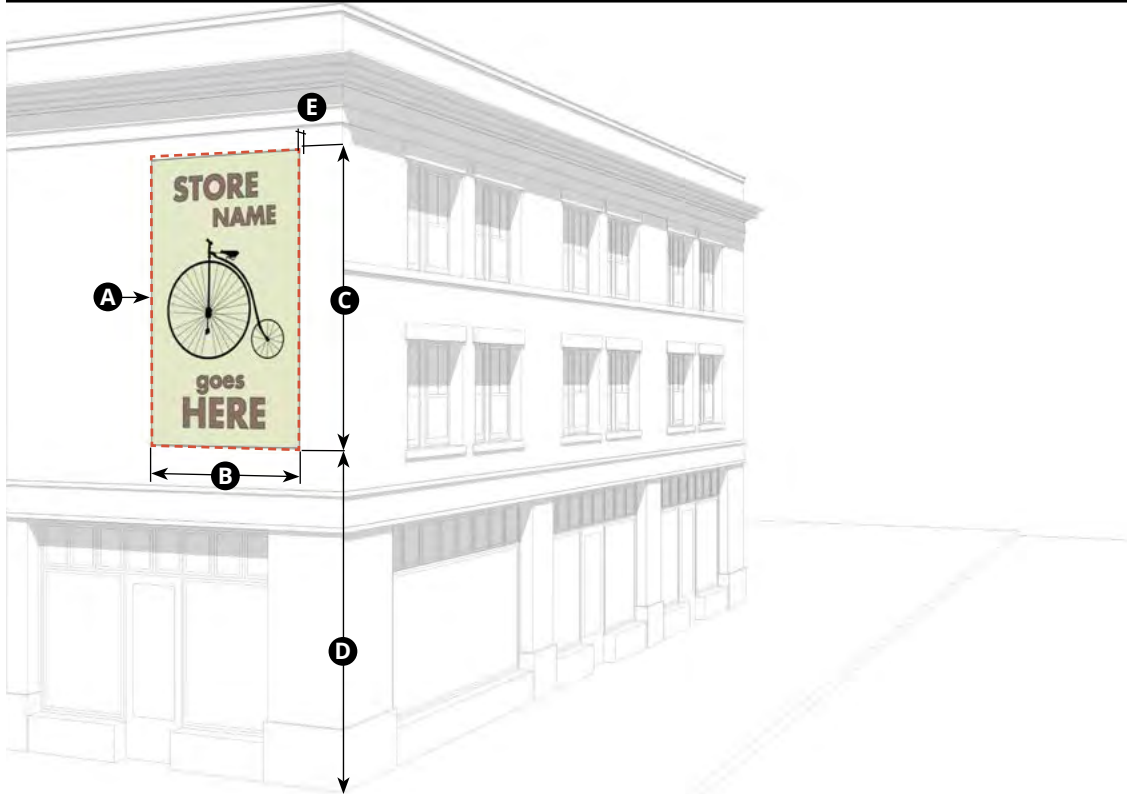
**Signs per Establishment** 1 max.

### Illumination

**Use District:** A wall sign can be externally or internally illuminated in accordance with Sec. 1711-3.7

**Form District:** A wall sign can only be externally illuminated in accordance with Sec. 1711-3.7.

## K. Wall Mural Sign



### Description

This sign type is flat against a secondary facade, typically along a side street or alley. These signs are typically painted directly on the building and contain a combination of text and graphic elements.

### Size

#### Signable Area

Area	1,000 sf max.	<b>A</b>
Width	60' max.	<b>B</b>
Height	50' max.	<b>C</b>

### Location

Height Above Ground	3' min.	<b>D</b>
Projection	8" max.	<b>E</b>
Signs per Building	1 max.	

### Illumination

A wall mural sign cannot be illuminated.

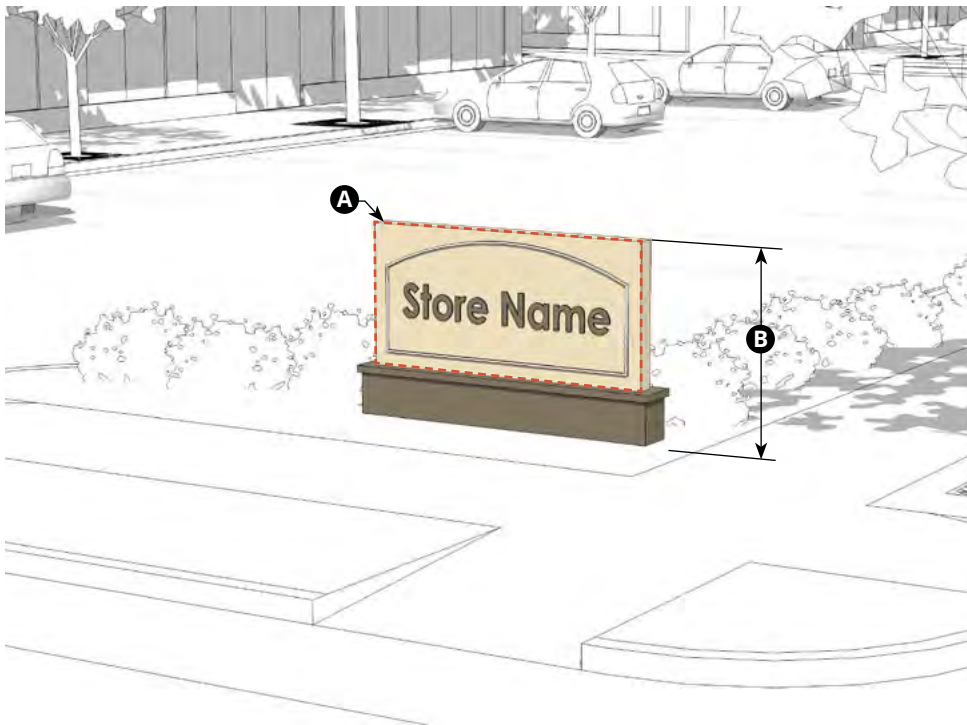
## L. Window Sign



Description	
This sign type is professionally painted consisting of individual letters and designs or gold leaf individual letters and designs, applied directly on the inside of a window.	
Size	
Signable Area	see Sec. 1711-3.5.C
Maximum area per window covered by signs	20% <b>A</b>
Windows signs are only <b>allowed permitted</b> on ground story. Windows and doors unless an establishment is located in one or more upper floors and occupies no portion of the first floor.	

Form Districts	
<b>Sign</b>	
Width	5' max. <b>B</b>
Height	36" max. <b>C</b>
<b>Location</b>	
Height Above Ground	5' min. <b>D</b>
<b>Miscellaneous</b>	
Window signs shall be applied directly to the inside of the glass.	
Applied plastic or vinyl cut letters are strongly discouraged.	
Window signs shall have a clear background.	
Illumination	
<b>Use District:</b> A window sign can only be internally illuminated in accordance with Sec. 1711-3.7.	
<b>Form District:</b> A window sign cannot be illuminated.	

## M. Freestanding Sign



### Description

The freestanding sign type is a permanently affixed sign which is wholly independent of a building for support and is attached along its entire width to a continuous pedestal.

### Size

**Signable Area** see Sec. 1711-3.5.C

### Area

<b>SF, MF</b>	24 sf max. (public or semi-public uses), 12 sf max. (all other nonresidential uses)
<b>RX, NX, CX</b>	36 sf max.
<b>CA, I, RF</b>	72 sf max.

### Height

<b>SF, MF, RX, NX</b>	6' max.
<b>CX</b>	10' max.
<b>CA, I, RF</b>	15' max.

### Location

**Setback from Any Lot Line** 1/2 the height of the sign

### Number of Signs

One freestanding sign or pole/monument sign is **allowed permitted** per street frontage, except that one additional sign is **allowed permitted** for properties with 400 feet or more of street frontage, provided all signs are conforming.

Where more than one freestanding sign or pole/monument sign is **allowed permitted**, signs along the same street frontage must be spaced a minimum of 200 feet apart.

The size of the second sign shall not exceed 50% of the maximum sign area **allowed permitted** in the district.

### Illumination

A freestanding sign can be externally or internally illuminated in accordance with Sec. 1711-3.7.

## N. Landscape Wall Sign



### Description

This sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location.

### Size

**Signable Area** see Sec. 1711-3.5.C

**Area** 24 sf max. **(A)**

### Location

**Height of Landscape Wall** 4' max. **(B)**

### Mounting Height

**Below Top of Wall** 6" max. **(C)**

**Above Grade** 12" min. **(D)**

**Signs per Building** 1 max.

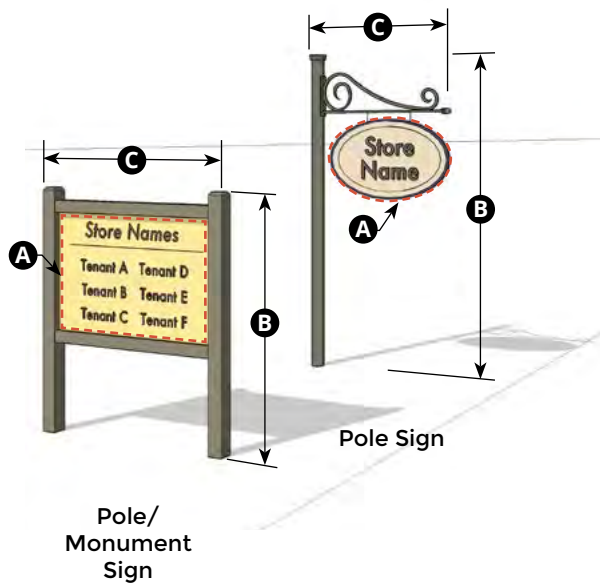
### Illumination

**Use District:** A landscape wall sign can be externally or internally illuminated in accordance with Sec. 1711-3.7.

**Form District:** A landscape wall sign cannot be illuminated.



## O. Pole/Monument Sign



### Description

This sign type encompasses a variety of signs that are not attached to a building and have an integral support structure. Two varieties include: Pole/Monument and Pole.

### Size

Signable Area	see Sec. 1711-3.5.C
Area	12 sf max. <b>(A)</b>

### Location

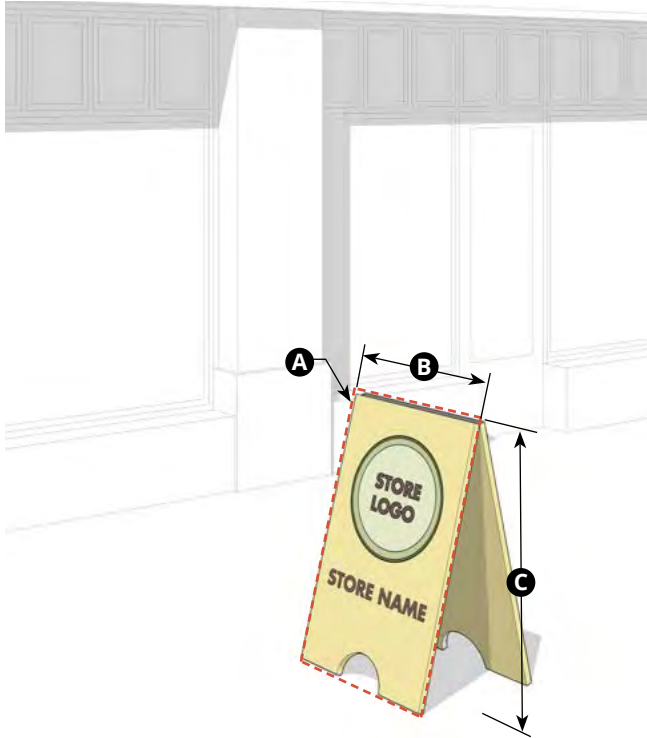
Signs per Street Frontage	1 max.
Height	8' max. <b>(B)</b>
Width	8' max. <b>(C)</b>

### Illumination

**Use District:** A pole/monument sign can only be externally illuminated in accordance with Sec. 1711-3.7

**Form District:** A pole/monument sign cannot be illuminated.

## P. Sandwich Board Sign



### Description

A portable sign that is ordinarily in the shape of an "A" with back to back sign faces, an easel, or a similar configuration. This sign type is typically used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo).

### Size

#### Sign

Area	6 sf max.
Width	24" max.
Height	36" max.

**A**

**B**

**C**

### Location

Sandwich board signs shall not interfere with pedestrian travel or encroach upon the required accessible path.

Sandwich board signs shall only be displayed during business hours and shall be removed when the business is closed.

### Number of Signs

Each ground floor tenant can have one sandwich board sign located adjacent to the facade with the principal customer entrance, or up to 8 feet from that facade.

A sandwich board sign must be located at least 25 feet from any other sandwich board sign.

### Illumination

A sandwich board sign cannot be illuminated.

## Q. Yard Sign



### Description

This sign type is mounted on a porch or in a yard between the public right-of-way and the building facade.

### Size

**Signable Area** see Sec. 1711-3.5.C

### Sign

<b>Area</b>	6 sf max.	<b>A</b>
<b>Width</b>	36" max.	<b>B</b>
<b>Height</b>	36" max.	<b>C</b>

### Location

#### Clear Height

<b>Mounted on Porch</b>	6'8" min.	<b>D</b>
<b>Mounted in Yard</b>	12" min.	<b>D</b>

#### Overall Height

<b>Mounted in Yard</b>	5' max	<b>E</b>
<b>Signs per Building</b>	1 max.	

### Illumination

**Use District:** A yard sign can only be externally illuminated in accordance with Sec. 1711-3.7.

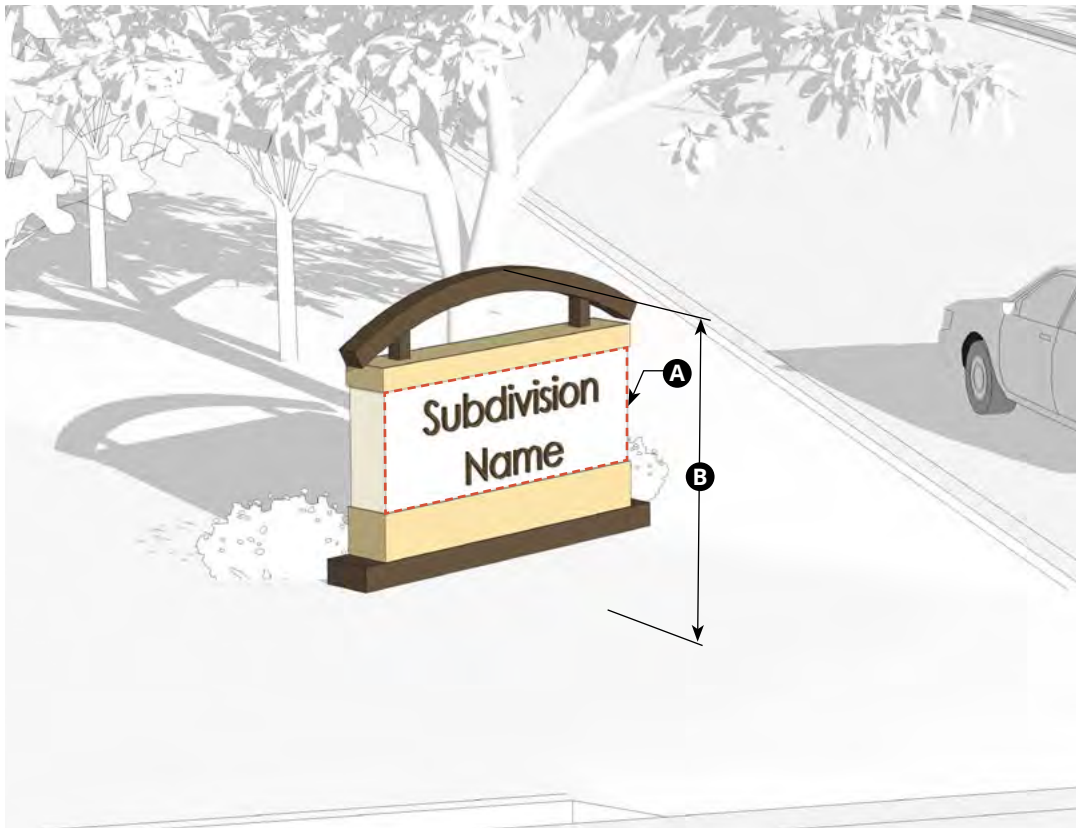
**Form District:** A yard sign cannot be illuminated.

### Miscellaneous

Yard signs may not be located within a public ROW.

Yard mounted signs shall be parallel or perpendicular to the ROW.

## R. Entry Feature Sign



### Description

The entry feature sign type is a permanent on-site ground sign or wall sign located along or interior to an entry of a platted subdivision that is zoned or legally restricted for residential use, or a mix of residential and supporting commercial uses. This sign type typically serves to identify the name of a residential, commercial, or industrial subdivision, mixed use or multifamily development, or a planned development district.

### Size

<b>Area</b>	1 sf per DU or commercial tenant up to 25 sf	<b>A</b>
-------------	--	----------

<b>Height</b>	6' max.	<b>B</b>
---------------	---------	----------

### Location

<b>Setback from Any Lot Line</b>	Twice the height for a ground sign. None for a wall sign.
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### Number of Signs

One sign for every intersection between a subdivision or industrial development interior street and a pre-existing perimeter street or along the street frontage of a mixed use or multi-family development.

### Illumination

**Use District:** An entry feature sign can only be externally illuminated in accordance with Sec. 1711-3.7.

**Form District:** A entry feature sign cannot be illuminated.

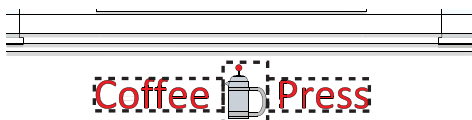
## 1711-3.6. Sign Measurements

### A. Sign Area

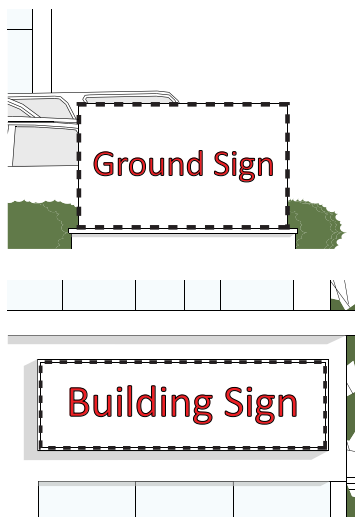
1. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.



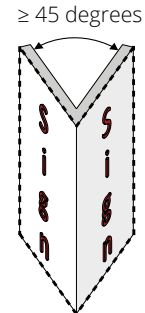
2. Irregular shapes are calculated by up to a maximum of 3 connected shapes.



3. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.

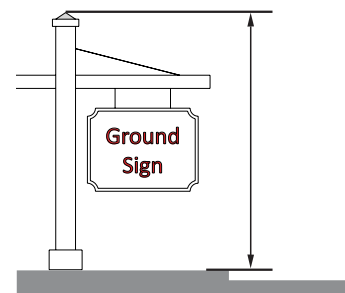
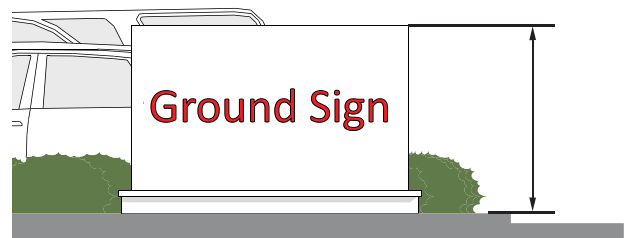


4. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.
5. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area.



### B. Sign Height

1. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.
2. The height may not be artificially increased by the use of mounding.



## 1711-3.7. Illumination

### A. Prohibited Light Sources

1. Blinking, flashing and chasing.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that creates a hazard to operators of motor vehicles.
5. Strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar area are prohibited, except for temporary lighting erected in connection with observed holidays.

### B. External Illumination

1. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
2. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance and not obscure the sign.

### C. Internal Illumination

1. Channel letters may be internally lit or back-lit.
2. For signs on a background, the background must be opaque or a darker color than the message of the sign.
3. Exposed neon may be used for lettering or as an accent.
4. One exposed neon window sign stating "open" not greater than 3 square feet is **allowed** **permitted** per establishment.



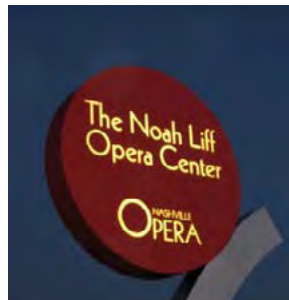
Externally lit signs



Internally lit signs with channel letters



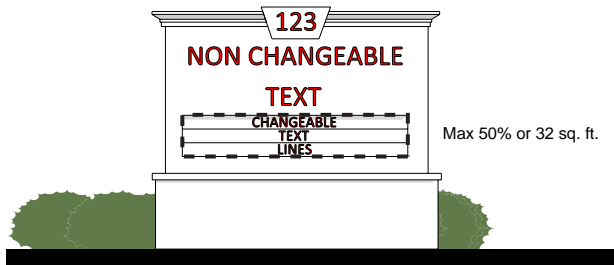
Back lit signs with channel letters



Internally lit signs on a background with darker background

### 1711-3.8. Changeable Copy

- A. Changeable copy signs are permitted in CX, CA, IA, IH, IX, RF-R, RF-C and RF-M. Changeable copy is **allowed permitted** in conjunction with a permitted freestanding sign.
- B. In the Form Districts, changeable copy is **allowed permitted** only in conjunction with a permitted pole/monument sign or wall sign.
- C. The changeable copy portion of the freestanding sign can be no greater than 50% of the total sign area, however, in no case can the changeable copy portion of the sign exceed 32 square feet in area.



- D. Copy may not be changed or rearranged at less than a 10 second interval and may not include streaming, animating, or flashing text or images.
- E. Only one changeable copy sign is permitted per site.

### 1711-3.9. Sight Triangle

- A. Signs shall not obstruct the views of motorists using any street, driveway, parking aisles or the approach to any street intersection.
- B. All signs must comply with the sight triangle requirements.



## Sec. 1711-4. Site Lighting

### 1711-4.1. Purpose

The purpose of this section is to:

- A. Minimize light pollution, glare and light trespass;
- B. Conserve energy resources while permitting for safe and efficient nighttime outdoor lighting regulations; and
- C. Limit the degradation of the nighttime visual environment.

### 1711-4.2. Exterior Lighting

All exterior light sources on private property, including canopy, perimeter, and flood, must be energy-efficient, stationary and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. The maximum height may not exceed 20 feet above grade.

### 1711-4.3. Lights not Conforming to this Section

#### A. Authority to Continue

Any lawful lighting fixtures located within the City at the effective date of these regulations which does not conform to the provisions of this Section may continue, provided the lighting remains in conformance with the provisions of this Section.

#### B. Ordinary Maintenance and Repair

Nothing in this subsection shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a

loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

#### C. Height Variance

Applicants who are proposing lighting which exceeds 20 feet in height may request an administrative variance from the 20 foot height requirement. If the administrative variance is denied, the applicant can take the variance request to the Zoning Board of Appeals pursuant to Chapter ~~1708-1751~~, Administration.

#### D. Loss of Lawful Status

1. Legal nonconforming status shall terminate under the following conditions:
  - a. If a light fixture is no longer used for a period of 12 months or longer it shall be deemed abandoned and shall not thereafter be reestablished; or
  - b. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
  - c. If a lighting fixture is relocated, replaced, or moved in any way; or
  - d. The lighting fixture is damaged and the cost of repair exceeds 50% of its replacement value.
2. Upon the event of any of the aforementioned, lighting fixtures shall be immediately brought into compliance with this Section, or the lighting fixtures shall be removed.

#### E. Removal Pursuant to Public Order

Lighting that is determined by the City to create public hazard can be ordered removed or altered at any time.

## Sec. 1711-5. Outdoor Storage and Display

### 1711-5.1. Generally

- A. The outdoor storage, display and sales of merchandise, bulk goods including retail and seasonal items such as firewood, landscaping materials, bagged materials, construction materials, vending machines, mulch and the like shall be controlled by the following regulations.
- B. These regulations do not apply to the storage or display of motor vehicles or recreational vehicles.

### 1711-5.2. Outdoor Display

Outdoor display areas must be located, developed and operated in compliance with the following standards:

- A. Merchandise, inventory or materials displayed outdoors shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
- B. Merchandise, inventory or materials shall be displayed in an orderly manner and shall remain free of stagnant water, weeds and vermin.
- C. Only items for sale by the business on site are permitted for outdoor display.
- D. Items displayed outdoors must be removed and placed in side of a fully secured building at the end of each business day or be fully secured to prevent theft and product loss during non-business hours.

### 1711-5.3. Outdoor Storage

Outdoor storage areas must be located, developed and operated in compliance with the following standards:

#### A. Commercial

- 1. Merchandise, inventory or materials stored outdoors shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.

- 2. Merchandise, inventory or materials shall be stored in an orderly manner and shall remain free of stagnant water, weeds and vermin.
- 3. Items stored outdoors may not exceed a height of 6 feet.
- 4. Outdoor storage areas shall be enclosed by a screen fence or wall between 6 and 8 feet in height.
- 5. The outdoor storage area shall not exceed 25% of the gross floor area of the principal building located on the lot, excluding space used for the parking or storage of vehicles.
- 6. Outdoor storage areas shall not be located between the principal building and the street property line.
- 7. Any space for the storage of vehicles awaiting repair must be screened on all sides and completely enclosed within an eight-foot screen fence which is protected by a guardrail or other barriers approved by the Director. Electrical, barbed and razor wire fences are an accessory conditional use pursuant to Sec. 1703-9.3. Vehicles may not be stored on the lot for more than 60 days.
- 8. Hazardous materials must only be stored on the property in a locked storage structure and must comply with any other applicable requirements for hazardous materials.

#### B. Industrial

- 1. Merchandise, inventory or materials stored outdoors shall not interfere with required off-street parking, loading areas or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.

2. Materials shall be stored in an orderly manner and shall remain free of stagnant water, weeds and vermin.
3. Items stored outdoors may not exceed a height of ten feet.
4. Outdoor storage areas shall be enclosed by a screen fence or wall 8 feet in height. Electrical, barbed and razor wire fences are an accessory conditional use pursuant to Sec. 1703-9.3.
5. Outdoor storage areas cannot be located between the principal building and the street property line.

## **1711-5.4. Outdoor Retail Sales**

Outdoor retail sales areas must be located, developed and operated in compliance with the following standards:

### **A. Location of Sales Area**

1. Outdoor sales areas must be contiguous and located entirely on private property, outside of any required setback.
2. In a zoning district without required setbacks, a minimum setback of 10 feet from any street lot line is required.
3. Outdoor sales areas must adjoin the principal structure on a site, unless the applicant can show by specific facts that unique circumstances exist such that compliance with this requirement would cause an unnecessary hardship.

### **B. Maximum Size**

Outdoor sales areas may not exceed 15% of the gross floor area of the use they serve.

### **C. Location of Merchandise**

1. Display merchandise may not encroach on required parking, driveways, pedestrian walkways or required landscaped areas.
2. Displays may not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.

### **D. Height of Merchandise**

1. Display merchandise, excluding automobiles, trucks and construction equipment, may not exceed a height of 10 feet above finished grade for a single display item.
2. Stacked displays may not exceed a height of 6 feet above finished grade.

### **E. Litter**

A permanent trash receptacle must be installed at each entrance and exit to the outdoor sales area.

### **F. Pay Telephones and Vending Machines**

Pay telephones and vending machines are prohibited where viewable from a public right-of-way.

### **G. Screening**

All outdoor sales areas must be screened from adjacent public streets by decorative solid walls, fences or landscaped berms of a minimum three feet in height and located within a landscaped area adjacent to the street property line of at least 10 feet in width.

### **H. Signs**

Signs, other than as permitted under Section 1705-3, Signs, are prohibited if visible from a public street.

### **I. Exceptions**

The provisions of this section do not apply to the sale or distribution of food, flowers, seasonal sales of holiday related merchandise, newspapers and periodicals from a pedestrian-oriented retail storefront.

# Chapter 1751. Administration

<b>Sec. 1751-1. LDC Review.....</b>	<b>51-3</b>
1751-1.1. <del>What is subject to LDC review?</del> <u>Applicability</u> .....	51-3
1751-1.2. <del>How can I verify how my property is zoned?</del> <u>Certificates of Compliance</u> .....	51-3
1751-1.3. Site Plan Review .....	51-3
1751-1.4. <del>When will my application be reviewed?</del> <u>Application Review</u> .....	51-4
1751-1.5. <del>What if my application fully complies with the LDC?</del> <u>Compliant Applications</u> .....	51-4
1751-1.6. <del>What if my application does not comply with the LDC?</del> <u>Noncompliant Applications</u> .....	51-4
1751-1.7. Director's authority to administer the LDC.....	51-5
<b>Sec. 1751-2. Relief.....</b>	<b>51-6</b>
1751-2.1. <del>How can I get relief from the application of the LDC?</del> <u>Administrative Relief</u> .....	51-6
1751-2.2. <del>What types of legislative relief are available?</del> <u>Legislative Relief</u> .....	51-6
1751-2.3. <del>How do I apply for relief?</del> <u>Applying for relief</u> .....	51-7
<del>1751-2.4. Effect, Limitations and Revocation of Relief</del> .....	51-7
<b><u>Sec. 1751-3. Director Actions.....</u></b>	<b><u>51-8</u></b>
<del>1751-3.1. Reasonable Accommodations.....</del>	<del>51-12</del>
<del>1751-3.2. Building Permits and Certificates of Occupancy and Use.....</del>	<del>51-12</del>
<b>Sec. 1751-4. Public Hearings.....</b>	<b>51-13</b>
<b>Sec. 1751-5. Zoning Hearing Examiner (ZHE).....</b>	<b>51-14</b>
<b>Sec. 1751-6. Historic Conservation Board.....</b>	<b>51-17</b>
<b>Sec. 1751-7. Zoning Board of Appeals.....</b>	<b>51-19</b>
<b>Sec. 1751-8. Nonconformities.....</b>	<b>51-20</b>
1751-8.1. Purpose.....	51-20
1751-8.2. Applicability.....	51-20
1751-8.3. Continuation of Nonconformities.....	51-20
1751-8.4. Maintenance, Repair, Restoration, and Alteration of Nonconformities .....	51-21
1751-8.5. Expansion and Substitution of Nonconformities.....	51-21
<del>1751-7.6. Specific to Nonconforming Lots.....</del>	<del>51-21</del>
<del>1751-7.7. Specific to Nonconforming Site Improvements.....</del>	<del>51-21</del>

**Sec. 1751-9. Enforcement and Penalties.....51-23**

1751-9.1. ~~What is considered a violation of the LDC?~~ Violations of the LDC .....51-23

1751-9.2. ~~Who enforces the LDC?~~Enforcement of the LDC .....51-23

1751-9.3. ~~What actions may the Director take if a violation is found?~~Director Enforcement .....51-23

~~1751-9.4. How do I appeal an enforcement order? .....51-24~~

~~1751-9.5. What remedies are available to the City? .....51-24~~

~~1751-9.6. What are the penalties for a violation? .....51-24~~

1751-9.7. Special rules for Historic Assets .....51-26

~~1751-9.8. What remedies does the City have for a violation regarding an Historic Asset? .....51-26~~

## Sec. 1751-1. LDC Review

### 1751-1.1. ~~What is subject to LDC review?~~Applicability

- A. All changes in the use of real property and ~~improvements to~~ development of real property that requires a building permit or a ~~zoning-~~ certificate of compliance must be reviewed by the Department ~~of City Planning and Buildings ("DCPB")~~ for compliance with the ~~Land Development Code ("LDC")~~. Changes in the use of real property and ~~improvements to~~ development of real property that requires a building permit is set forth in the Cincinnati Building Code, Title XI of the Cincinnati Municipal Code. ~~Changes in the use of real property and improvements to real property that require a certificate of compliance are as follows:~~

1. ~~[TO BE COMPLETED]~~

### 1751-1.2. ~~How can I verify how my property is zoned?~~Certificates of Compliance

- A. ~~A person may apply to the Director for a determination that a proposed use or development of a building or a property conforms to the LDC.~~
- B. A ~~Zoning Verification~~ certificate of compliance confirms ~~whether a proposed use or development of a building or a property conforms to the LDC - the zoning district and the allowed use of a building or a property.~~ It does not approve the use or development of the building or property.
- C. The Director may only issue a ~~Zoning Verification~~ certificate of compliance if the intended use or development ~~of a building or a property is permitted under the LDC.~~
- D. A certificate of compliance is required for the following uses and development:
1. Front yard parking areas of less than 800 square feet.
  2. Fences in excess of six feet in height.
  3. Mural signs.

## 1751-1.3. Site Plan Review

### A. ~~What is a site plan review meeting?~~Site Plan Review Meeting

1. A site plan review meeting is an in-person meeting or meetings between the applicant, Department staff and representatives of other internal or external agencies and departments necessary to consider the applicant's application.
2. ~~The meeting shall take place at the Permit Center at a mutually agreeable time.~~ The purpose of a site plan review meeting is to discuss ways for a proposed site plan to comply with the LDC, and if full compliance cannot be achieved, ways to obtain the necessary relief from the LDC.

### B. ~~When does site plan review apply?~~Site Plan Review Required

1. An application for a building permit or ~~zoning-~~ certificate of compliance requires a site plan review meeting with Department staff if the application concerns:
  - a. increases in the number of dwelling units for residential uses other than single-family detached dwellings
  - b. increases in existing building footprint or impervious coverage of the site of 10% or more
  - c. changes in use of an existing building or structure; or a significant change to the exterior of the building, or group of buildings, including but not limited to facade changes, replacement of exterior materials such as siding, change in roof lines and materials, structural changes such as removal, replacement or addition of doors or windows
  - d. the establishment of an ~~off-premise sign~~ outdoor advertising sign
  - e. any development or use, funded in whole or in part by involving city funds

2. An application for a building permit or ~~zoning~~ certificate of compliance does not require a site plan review meeting prior to Department staff making a final determination about LDC compliance if the application concerns:
  - a. single-family detached dwellings and their related accessory uses and structures;
  - b. changes in use that are less intensive than the previous use or which, by code, require less off-street parking;
  - c. home occupations;
  - d. temporary uses; and
  - e. accessory or secondary dwelling units.

#### **1751-1.4. ~~When will my application be reviewed?~~ Application Review**

- A. ~~Department staff will review a complete building permit or certificate of compliance application for LDC compliance within~~ Not later than 10 days after a complete building permit or zoning certificate of compliance application is received by the Department, ~~as determined by Department staff, it will be reviewed for LDC compliance.~~
- B. If an application requires a site plan review meeting, Department staff will contact the applicant to schedule a meeting ~~within 15 days~~ following the City's receipt of the complete application.

#### **1751-1.5. ~~What if my application fully complies with the LDC?~~ Compliant Applications**

If an application is fully compliant with the LDC, then Department staff will make a notation of LDC approval in the Department's ~~electronic permitting system records~~ and the approval will be noted on the building permit or other permit or certificate issued to the applicant.

#### **1751-1.6. ~~What if my application does not comply with the LDC?~~ Noncompliant Applications**

- A. If an application is not compliant with the LDC in all respects, ~~then~~ Department staff will notify the applicant in writing, specifying the specific sections of the LDC with which the application fails to comply.
- B. Upon receiving a non-compliance letter, the applicant may either
  1. Amend the application to fully comply with the LDC, or
  2. Seek administrative or legislative relief from the LDC.
- C. The applicant must elect to amend or seek relief within 30 days of the date of the non-compliance letter, ~~or the application will expire~~. The Director ~~may~~ grant extensions of the 30-day time limit ~~for the application to make an election, on written request, may applied~~ for good cause shown and without any notice or hearing, A request for extension must be submitted to the Director in writing and prior to the expiration of the 30-day time limit.
- D. Failure to correct a non-compliant application within the required time limit is a basis for denial of the application.



### **1751-1.7. Director's authority to administer the LDC**

- A. The Director is authorized to take all actions reasonably necessary to administer the LDC.
- B. The Director is specifically authorized to take the following actions necessary for the administration of the LDC:
  - 1. To establish fees to provide for the reasonable cost of the administration of the LDC.
  - 2. To establish forms and instructions for requesting reviews and approvals required by the LDC.
  - 3. To delegate the authority granted under this Section to Department staff.

## Sec. 1751-2. Relief

### 1751-2.1. ~~How can I get relief from the application of the LDC?~~Administrative Relief

Applications that are not fully compliant with the LDC may qualify for the following types of administrative relief: ~~Some applications will not be fully compliant with the LDC. For those applications, administrative relief from the application of the LDC may be appropriate. In other instances, legislative action may be appropriate. The Director shall inform the applicant what relief is available to it not later than 10 days following his or her final determination on LDC compliance.~~

#### A. Minor Relief

~~If an application requires a minor use permit (FBC only), minor area variance, or administrative variation (FBC only), then the applicant shall petition the Director for administrative relief and the Director shall make a determination without a public hearing within 10 days of the date of the petition.~~

If an application requires minor relief, which includes minor area variances, reasonable accommodations, use determinations, and permissions for multiple principle uses or structures on a lot, then the applicant shall petition the Director and the Director shall make a determination on the petition in accordance with Sec. 1751-3 below.

Minor area variances are set forth on Table 1751-3.G. All other area variances shall be considered a major area variance for the purposes of the LDC.

#### B. Major Relief

If an application requires ~~more than minor major~~ relief, which includes ~~an accommodation variance,~~ conditional uses, expansions or substitutions nonconforming uses, major area variances, hillside reviews, ~~stream corridor overlay reviews,~~ urban design overlay reviews, ~~or use~~ variances, ~~or use permit (FBC only);~~ then the applicant shall petition

the Zoning Hearing Examiner, or "ZHE". The ZHE shall make a determination on the petition in accordance with Sec. 1751-4 below.

#### C. Historic

If an application requires a certificate of appropriateness for the alteration or demolition of a historic asset, then the applicant shall petition the Historic Conservation Board, or "HCB". The HCB shall make a determination on the petition in accordance with 1751-5 below.

If the application is for real property involving a Historic Asset or a Non-Contributing Structure located in a Historic District, then the Historic Conservation Board shall act as the Zoning Hearing Examiner for those approvals otherwise requiring ZHE review in accordance with Sec.1707-1 and shall be subject to the historic preservation regulations set forth in Sec. 1707-1.

#### D. Appeals

All decisions under this Section ~~1707-2(a)~~ may be appealed to the Zoning Board of Appeals or, "ZBA" in accordance with Sec. 1751-6 below.

#### E. Interim Development Control Overlay Districts and Planned Development Districts

If an application is for real property in an Interim Development Control District, the applicant shall apply to the City Planning Commission for review in accordance with Sec. 1707-5 and 1703-8.

### 1751-2.2. ~~What types of legislative relief are available?~~Legislative Relief

If an applicant desires to comply with the LDC by seeking an amendment to the zoning map, an amendment to the ~~text of the~~ LDC, or other legislative relief, then the applicant shall apply to the City Planning Commission in accordance with CMC 111, ~~and the rules of the City Planning Commission.~~

### 1751-2.3. ~~How do I apply for relief?~~Applying for Relief

- A. To obtain an administrative review by the Director, the ZHE, the HCB, the ZBA, or the CPC, an applicant must submit a complete application to Department. The application must comply with all directions on the application form and attach all materials required by the application form.
- B. Department staff will determine whether an application is complete. If it is not, Department staff will notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied, and specifying that no further action will be taken on the application until the deficiencies are corrected. The applicant has 30 days from the date of the notification to correct the specific deficiencies. If the applicant does not correct the deficiencies within that time period, the application will ~~expire, be~~ deemed withdrawn.
- C. The Director may grant extensions of the 30 day time limit for the remedying of deficiencies for good cause shown, and without any notice or hearing, provided the request is submitted in writing before the 30 day time limit has expired.~~on written request, may for good cause shown and without any notice or hearing, grant extensions of the 30 day time limit for the remedying of deficiencies.~~

### 1751-2.4. Effect, Limitations and Revocation of Relief

- A. The grant of relief may be relied upon for the preparation, filing and processing of applications for permits and approvals, but it does not authorize the establishment or extension of any use or the development, construction, reconstruction, alteration or moving of any building or structure.
- B. A permit for construction or the use of land or buildings for which an approval has been granted must be obtained within two years from the date of the decision granting the approval, unless the decision specifically provides a different time frame.

- C. Prior to the expiration of the two-year period, the applicant may submit a written request to the Director for an extension of the decision. If the Director determines that the approval is still in compliance with all applicable codes, the decision may be extended for one additional period of one year. Any further extension requires the approval of the decision making body that granted the approval following a public hearing thereon. Violation of any condition or limitation on the granting of relief is a violation of the LDC and constitutes grounds for revocation of the relief.

## Sec. 1751-3. Director Actions

- A. The Director has the authority and the discretion to make all administrative decisions under the LDC not otherwise expressly provided to another administrative official, decision-making body or commission. The Director is specifically authorized to determine whether a use is permitted or conditional, and to approve minor area variances, reasonable accommodations, multiple principal uses and/or structures on a lot, certificates of compliance, building permits and certificates of occupancy and use.
- B. The Director shall make all administrative decisions in the best interest and in the furtherance of the general health, safety and welfare of the people of the City of Cincinnati, and in furtherance of the purposes and intent of the LDC and any other applicable codes. The Director's determination may be relied upon by the applicant in the preparation, filing and processing of applications for approvals and permits required by the LDC or any other applicable code or law; provided, however, that a determination of use is not a guarantee of the approval or issuance of an approval or permit or any other permits for which a separate determination has not been issued, even if the other work is similar in character to the work for which the determination
- was made. The Director may approve, deny, or approve with conditions any decision authorized herein.
- C. The Director may make a written determination on an application for minor relief without a public hearing, or the Director may refer the application, or any part thereof, to the Zoning Hearing Examiner for a public hearing in accordance with Section 1751-4 below; provided, however, the Director may not refer decisions on applications for a use determination or a reasonable accommodation to the Zoning Hearing Examiner.
- D. Notwithstanding anything contained herein, the Director shall not allow multiple principle uses and/or structures on any lot in a single-family residential district.
- E. The following chart describes those persons with standing to make application to the Director, those entitled to receive notice, the timeframe for providing any notice and issuing a decision, and any right to appeal a decision.

### Director: Application Requirements

Persons with Standing to Submit An Application

The Property Owner; The Applicant

Persons Entitled to Notice By Mail

The Property Owner; The Applicant; The Community Council; and Interested Persons

Right to Appeal a Written Decision

The Property Owner; The Applicant; The Community Council; and Interested Persons

- F. The following chart describes the factors the Director must consider in making a decision and the burden of proof that the Property Owner or Applicant must meet to obtain the relief requested:

Determination Request	Factors Considered	Burden of Proof
<u>Minor Area Variance</u>	<u>Those factors considered by the Zoning Hearing Examiner when reviewing a major area variance as set forth in Section 1751-4 below</u>	<u>Demonstrate that the factors weigh in favor of approval by a preponderance of the evidence</u>
<u>Reasonable Accommodation</u>	<ol style="list-style-type: none"> <li><u>1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by a person with disabilities protected under applicable fair housing laws;</u></li> <li><u>2. Whether the requested accommodation is necessary to make housing available to a person with disabilities protected under applicable fair housing laws;</u></li> <li><u>3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and</u></li> <li><u>4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use, zoning or building program or comprehensive plan.</u></li> </ol>	<u>Demonstrate that the factors weigh in favor of approval by a preponderance of the evidence</u>
<u>Use Determination</u>	<ol style="list-style-type: none"> <li><u>1. Consistency with the general spirit and intent of the LDC and the district in which the property is located, and consistency with the city's comprehensive plan and other plans adopted by the City Council;</u></li> <li><u>2. The interest of the public health, safety and welfare.</u></li> </ol>	<u>Provide sufficient evidence so that the Director can make a determination</u>
<u>Multiple Principle Uses / Structures on a Lot</u>	<ol style="list-style-type: none"> <li><u>1. Consistency with the general spirit and intent of the LDC and the district in which the property is located, and consistency with the city's comprehensive plan and other plans adopted by the City Council;</u></li> <li><u>2. The interest of the public health, safety and welfare.</u></li> </ol>	<u>Provide sufficient evidence so that the Director can make a determination</u>

G. The following approvals shall be considered Minor Area Variances:

Minor Area Variances Table: All Districts	
Area Variance Type	Area Variance Permitted
<b>Generally</b>	
Modifications to any numerical or dimensional regulations, except when a specific modification to the regulation is provided in this table.	20% max.
<b>Lot Dimensions</b>	
<b>Depth.</b> A lot may be shallower the minimum lot depth.	30% max.
<b>Width.</b> A lot may be wider than the maximum lot width.	20% max.
<b>Setbacks/Build-to Line</b>	
Front, Side Street, Side or Rear. An increase or decrease of the minimum required setback areas (e.g., front, side street, side, and rear) for principal structures.	5' or 40%, whichever is less. <sup>1</sup>
Front or Side. A relaxation of the specified build-to-line.	2' max.
Defined by a Building. A relaxation of the specified build-to-line, defined by the building façade.	10% max.
Facade within Façade Zone. A relaxation of the specified front façade requirements for sites located within Transect Zones.	10% max.
Double-frontage lots. A determination that one of the yards functions as a front yard and other yards function as side and rear yards.	Yards are subject to setbacks prescribed for front, side, and rear yards.
<b>Setbacks</b>	
Additions to Existing Non-Conforming Structure. Allow an addition to an existing structure to be located up to the furthest point of setback encroachment, subject to building code regulations.	Up to existing encroachment <sup>1</sup>
Existing Site Features. Allow buildings to be placed closer or further from a parcel line due to existing site features, like trees, rocks, etc.	10% max.
<b>Lot Size</b>	
<b>Lot Dimensions.</b> A decrease in the minimum required parcel area, parcel depth, or parcel width.	10% max.
<b>Lot Dimensions.</b> An increase in the maximum parcel area, parcel depth, or parcel width.	10% max.
<b>Site Improvements</b>	
<b>Fences/Walls.</b> An increase to the height of fences and walls in all districts except residential districts.	2' max.
<b>Fences/Walls.</b> The addition of barbed wire and razor wire to fences in all districts except residential districts.	May not add more than 1' to total fence height.
<sup>1</sup> Requirement for a private frontage shall still apply, and any variation shall not preclude the use of a private frontage.	

## Minor Area Variances Table: Form-Based Districts Only

Area Variance Type	Area Variance Permitted
<b>Block Face</b>	
Block Face and Perimeter Length	20% max.
<b>Building Form</b>	
<b>Building Height.</b> Building height may increase.	Additional floor in height on downslope side of lot. <sup>1</sup>
<b>Building Height.</b> Ground floor finish level above street centerline may decrease.	Finished floor level may be reduced to be even with the finished grade.
<b>Site Grading</b>	
<b>Site Grading.</b> Grading of a site to require retaining walls taller than 4' in height.	Allows placement of retaining walls taller than 4' in height.
<b>Site Grading.</b> Grading of a site to require retaining walls on rear and side property lines.	Allows placement of retaining wall on rear or side property line.
<b>Parking Location</b>	
<b>Front Setback.</b> On steeply sloped lots wider than 35 feet, parking spaces may be located under the main building if the following findings are true.	Reduction in the Parking location Front Setback to equal the Main Building Front setback.
<b>Front Setback.</b> On steeply sloped lots less than 35 feet wide, parking spaces may be located under the main building if the following findings are true.	Reduction in the Parking location Front Setback to equal the Main Building Front setback.
<b>Building Placement</b>	
<b>Facade within Facade Zone in Transect Zones.</b> A relaxation in the amount of the street facing facade that is located within the facade zone,	10% max.
<b>Build-to Line Defined by Facades in Transect Zones.</b> A relaxation in the amount of the street facing facade that is located at the Build-to Line.	10% max.
<b>Parking</b>	
<b>Minimum Parking Requirement.</b> No off-street parking shall be required for renovations or new construction on lots 30' wide or less.	No off-street parking required.
<b>Build-to Line Defined by Facades in Transect Zones.</b> A relaxation in the amount of the street facing facade that is located at the Build-to Line.	10% max.
<sup>1</sup> Requirement for a private frontage shall still apply, and any variation shall not preclude the use of a private frontage.	



### **1751-3.1. Reasonable Accommodations**

- A. The Director has the authority to provide persons with disabilities or developers of housing for people with disabilities flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, which include waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. A request for reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for persons with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities. The Director shall apply the factors set forth in 1751-3(F) when considering a reasonable accommodation request.

While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the subject property shall remain in full force and effect. If granted, a reasonable accommodation applies only to the regulation, policy, or procedure for which accommodation is granted. A reasonable accommodation does not affect, waive, or otherwise excuse compliance with all other applicable regulations not at issue in the requested accommodation.

### **1751-3.2. Building Permits and Certificates of Occupancy and Use**

- A. A building permit or Certificate of Occupancy and Use may not be issued for any building or use that would require access across a zoning district prohibiting the use. For the purposes of the LDC, access to a use is deemed the use.
- B. Submission of a complete application for a building permit vests the applicant the right to construct the work for which the permit was issued in accordance with the provisions of the LDC in effect at the time of

application. That right expires with the expiration of the building permit application or building permit or subsequently issued, whichever occurs first.

- C. The Director may issue a Certificate of Occupancy and Use on finding that a use conforms to the provisions of the LDC, any written decision from a decision making body, and any final judgment of a court of competent jurisdiction.
- D. The Director may grant temporary and conditional permits for the use of buildings and land for seasonal events to terminate at a date specified in the permit, not to exceed 30 days from the date of the permit.
- E. The Director may grant temporary and conditional permits for parking lots to terminate at a date specified in the permit, not to exceed two years from the date of the permit, provided that the parking lot use is clearly interim to the future re-use plans of the area involved. On written request, the Director may renew these permits as reasonable.

## Sec. 1751-4. Public Hearings

- A. The ZHE, the HCB, the ZBA, and the CPC must hold a public hearing with 60 days of ~~its~~ the Department's receipt of a complete application unless the hearing is waived in the manner described below.
- B. Notice of the hearing must be published in the City Bulletin and must be sent to all persons entitled to notice by regular mail. Those persons may include:
1. **The Property Owner**  
The owner of the subject property.
  2. **The Applicant**  
The Property Owner or a person authorized by the Property Owner to submit an application on its behalf.
  3. **The Community Council(s)**  
The community council(s) recognized by the City Council as having an interest in zoning matters in the community in which the subject property is located.
  4. **Interested Persons**  
The owners of all properties located within a specified radius of the subject property, when applicable; the owners of all properties abutting the subject property not owned by the Property Owner; and any person who requests notice of the hearing-an application.
  5. **Persons Affected**  
In the case of a hearing before the ZHE or HCB, any person who asserts they are substantially affected by the relief requested by the Property Owner; and, in the case of a hearing before the ZBA, any person who asserts they are substantially affected by a final decision of the Director, or a final decision of the ZHE or HCB and who expressed in writing a position prior to, or testified at, the hearing before the ZHE or HCB.
- C. The hearings shall be conducted pursuant to the rules of procedure established by the decision-making body. All rules of procedures must provide that the Property Owner, the Applicant, the Community Council, all Interested Persons, and all Persons Affected have an opportunity to speak at the hearing and submit evidence in the case of de novo hearings, and they must provide for the right of cross-examination in accordance with Cincinnati Municipal Code 113-11.
- D. A decision-making body may require the attendance of witnesses, the production of records and papers, and the deposition. Testimony submitted to a decision making body shall be under oath and recorded by stenographic or mechanical means.
- E. The decision-making body must make a final decision on an application within the prescribed time period following the close of the hearing on the application. The decision-making body may impose on its decision any conditions it deems necessary to ~~protect~~ provide for the public health, safety, and general welfare. The decision must be reduced to writing and mailed to the Applicant.
- F. For applications requesting relief from a numerical, dimensional, or locational LDC regulation, the decision-making body may waive the public hearing requirement provided that the Applicant or the Property Owner obtains the written consent of the owners of all properties abutting the subject property and the Community Council(s). The written consent of the Community Council(s) shall not be required if it is not active. Notwithstanding the foregoing, the decision-making body may not waive the public hearing requirement for applications related to the use of real property or concerning regulations established under an overlay district including Historic District regulations.

## Sec. 1751-5. Zoning Hearing Examiner (ZHE)

- A. The ZHE is authorized to approve **Accommodation Variances**, Conditional Uses, Expansions or Substitutions of Nonconforming Uses, Major Area Variances, **Use Permits**, and Use Variances. The ZHE also conducts reviews for certain development in Hillside, **Stream Corridor overlay**, and Urban Design overlay districts.
- B. The following chart describes those persons with standing to make application to the ZHE, those entitled to receive notice of a hearing, and the timeframe for providing notice and issuing a decision:

### Zoning Hearing Examiner: Application Requirements

Persons with Standing to Submit An Application	The Property Owner; The Applicant
Persons Entitled to Notice By Mail	The Property Owner; The Applicant; The Community Council(s); All Interested Persons within 250 feet of the subject property when located in an SF-10 or SF-20 Zoning District and within 100 feet of the subject property when located in any other district
Minimum Notice Period for Notice By Mail	14 days in advance of the public hearing
Minimum Notice Period for Notice By Publication	7 days in advance of the public hearing
Maximum Time for Issuance of a Decision Following a Hearing	10 days following the close of the public hearing

- C. The following chart describes the factors the ZHE must consider in making its decision and the burden of proof that the Property Owner or Applicant must meet to obtain the relief requested:

Zoning Hearing Examiner: Decision Factors		
Relief Requested	Factors Considered	Burden of Proof
Conditional Use  <del>Use Permit</del> <del>Expansion or</del> <del>Substitution of</del> <del>Nonconforming Use</del>	<ol style="list-style-type: none"> <li>1. Consistency with the purposes of the LDC and the district in which the property is located, and consistency with the city's comprehensive plan and other plans adopted by the City Council;</li> <li>2. Compatibility with the use and development of neighboring properties in accordance with applicable district regulations;</li> <li>3. Impact on the neighborhood's character and property values, and impact on the public's health, safety, and general welfare; and</li> <li>4. Compliance with other standards imposed by the LDC including standards specific to the use.</li> <li>5. <u>In the case of a request to expand or substitute a nonconforming use, whether the nonconforming use is located in an existing structure or on a lot that is specifically equipped or designed to accommodate the nonconforming use.</u></li> </ol>	Demonstrate that the factors weigh in favor of approval by a preponderance of the evidence
Major Area Variance  <del>Expansion or</del> <del>Substitution of</del> <del>Nonconforming Use</del>	<ol style="list-style-type: none"> <li>1. Consistency with the purposes of the LDC and the district in which the property is located, and consistency with the city's comprehensive plan and other plans adopted by the City Council;</li> <li>2. Origination from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;</li> <li>3. Ability to realize a reasonable return or beneficial use of the property without a variance;</li> <li>4. Whether the request is substantial;</li> <li>5. <del>Impact on</del><u>Whether the</u> essential character of the neighborhood would be substantially altered, and whether adjoining properties would suffer a substantial detriment as a result of the variance;</li> <li>6. Impact on the delivery of governmental services, like water, sewer, and garbage collection;</li> <li>7. Extent of the property owner's knowledge of the zoning restriction upon purchase of the property;</li> <li>8. Feasibility of obviating the property owner's predicament by some method other than a variance; and</li> <li>9. Extent to which the spirit and intent behind the zoning requirement is observed and substantial justice done by granting the variance.</li> </ol>	Demonstrate that the factors weigh in favor of approval by a preponderance of the evidence

Zoning Hearing Examiner: Decision Factors (Continued)		
Relief Requested	Factors Considered	Burden of Proof
Use Variances	<ol style="list-style-type: none"> <li>1. Consistency with the general spirit and intent of the LDC and the district in which the property is located, and consistency with the city's comprehensive plan and other plans adopted by the City Council;</li> <li>2. Inability to put the property to any economically viable use under any of the permitted uses in the zoning district;</li> <li>3. Existence of a hardship condition not created by the property owner or the property owner's predecessor-in-interest;</li> <li>4. Hardship stems from a condition unique to the property at issue and not ordinarily found in the same zone or district;</li> <li>5. No unreasonably adverse impact on the rights of adjacent property owners or residents;</li> <li>6. No unreasonably adverse impact on the community character, public health, safety or general welfare;</li> <li>7. Minimum relief necessary to afford relief to the applicant.</li> </ol>	Demonstrate all factors are met by clear and convincing evidence

- D. The following chart describes the guidelines the ZHE must consider in making its decision and the burden of proof that the Property Owner or Applicant must meet:

Zoning Hearing Examiner: Guidelines		
Overlay District	Guidelines Considered	Burden of Proof
Hillside Review	Hillside Development Guidelines <a href="#">(Sec. 1707-2)</a>	Demonstrate that the factors weigh in favor of approval by a preponderance of the evidence
Stream Corridor	Stream Corridor Setback Overlay Guidelines <a href="#">(Sec. 1707-3)</a>	Demonstrate that the development substantially conforms to the guidelines by a preponderance of the evidence
Urban Design	Urban Design Overlay District Development Standards <a href="#">(Sec. 1707-4)</a>	Demonstrate that the development substantially conforms to the guidelines by a preponderance of the evidence

# Sec. 1751-6. Historic Conservation Board

- A. The HCB conducts reviews for development in all Historic districts and development affecting Historic Assets.
- B. The following chart describes those persons with standing to make application to the HCB, those entitled to receive notice of a hearing, and the timeframe for providing notice and issuing a decision:

Historic Conservation Board: Application Requirements	
Persons with Standing to Submit An Application	The Property Owner; The Applicant
Persons Entitled to Notice By Mail	The Property Owner; The Applicant; The Community Council(s); All Interested Persons within 200 feet of the subject property
Minimum Notice Period for Notice By Mail	<del>7</del> 14 days in advance of the public hearing
Minimum Notice Period for Notice By Publication	7 days in advance of the public hearing
Maximum Time For Issuance of A Decision Following A Hearing	10 days following the close of the public hearing

- C. The following chart references the standards the HCB must consider in making its decision and the burden of proof that the Property Owner or Applicant must meet:

Historic Conservation Board: Decision Factors		
Relief Requested	Factors Considered	Burden of Proof
Certificate of Appropriateness (Alterations)	The proposed development substantially conforms to the conservation guidelines that govern the Historic District or Historic Asset at issue	Demonstrate by credible evidence
Certificate of Appropriateness (Demolitions)	<ol style="list-style-type: none"> <li>Whether the Property Owner will suffer economic hardship if the certificate of appropriateness is not approved, <u>with consideration of the following factors:</u> <ol style="list-style-type: none"> <li>Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;</li> <li>Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness; and</li> <li>Whether the economic hardship was created or exacerbated by the Property Owner.</li> </ol> </li> <li>In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following: <ol style="list-style-type: none"> <li>A property's current level of economic return;</li> <li>Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;</li> <li>The feasibility of alternative uses for the property that could earn a reasonable economic return;</li> <li>Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;</li> <li>Knowledge of landmark designation or potential designation at time of acquisition; and/or</li> <li>Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.</li> </ol> </li> </ol>	Demonstrate by credible evidence



## Sec. 1751-7. Zoning Board of Appeals

- A. Any party with standing may appeal a final decision of the Director, and any final administrative decision made by a decision-making body under the LDC to the Zoning Board of Appeals within 30 days of the mailing of the decision.
- B. The Director may stay enforcement of an order, adjudication, or decision made pursuant the the LDC during the pendency of an appeal to the Zoning Board of Appeals concerning the subject matter of the order, adjudication, or decision. A stay aproved under this section shall expire 30 days following the mailing of the ZBA's decision if not terminated earlier by the Director.
- C. Any party with standing may appeal any decision of the Director, Zoning Hearing Examiner, or any other decision of a decision-making body under this Code to the Zoning Board of Appeals within 30 days after the date of the decision:
- D. The following chart describes those persons with standing to make application to the ZBA, those entitled to receive notice of a hearing, and the timeframe for providing notice and issuing a decision:

### Zoning Board of Appeals: Application Requirements

Persons with Standing to Submit An Application	The Property Owner; The Applicant; The Community Council(s); Persons Affected
Persons Entitled to Notice By Mail	The Property Owner; The Applicant; The Community Council(s); Persons Affected
Minimum Notice Period for Notice By Mail	14 days in advance of the public hearing
Minimum Notice Period for Notice By Publication	<u>6 7</u> days in advance of the public hearing
Maximum Time For Issuance of A Decision Following A Hearing	<u>A reasonable period following the close of the public hearing 30 days following the close of the public hearing</u>

- E. The following chart describes the standards the ZBA must consider in making its decision and the burden of proof that the appellatant must meet to obtain the relief requested:

### Zoning Board of Appeals: Decision Factors

Relief Requested	Factors Considered	Burden of Proof
Challenge to Administrative Decision	The order, adjudication, or decision is illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record.	Demonstrate by credible evidence

## Sec. 1751-8. Nonconformities

### 1751-8.1. Purpose

This Section–

- A. provides for the maintenance and development of uses, structures, lots, and site improvements that were lawfully established prior to the effective date of the LDC and do not comply with the LDC's regulations;
- B. establishes reasonable standards in order to minimize their impact on neighborhoods and the City; and
- C. balances the expectations of property owners with the goals and objectives of Plan Cincinnati and the LDC.

### 1751-8.2. Applicability

- A. This Section applies to all nonconformities.
- B. "Nonconformity" means a use, structure, lot, or site improvement that:
  - 1. was lawfully established before the effective date of the LDC or an amendment to the LDC; and
  - 2. is no longer permitted in the zoning district in which it is located by operation of the LDC or an amendment to the LDC.
- C. Nonconformities may be individually referred to as "nonconforming uses," "nonconforming structures," "nonconforming lots," or "nonconforming site improvements."
- D. "Effective Date" means the effective date of the LDC or an LDC amendment that creates the nonconformity at issue.

### 1751-8.3. Continuation of Nonconformities

#### A. Continuation

Subject to the standards and limitations in this Section, a nonconformity may be continued following the Effective Date.

#### B. Abandonment of Nonconformity

- 1. An abandoned nonconformity may not be reestablished or resumed.
- 2. "Abandoned" means the voluntary discontinuance of a nonconforming use for a period of 365 consecutive days, or the voluntary removal or destruction of a nonconforming structure or nonconforming site improvement.
- 3. A period of abandonment caused by government action, without any contributing fault by the ~~nonconformity's~~ owner or person in control of the nonconformity, is not considered in determining the period of abandonment.
- 4. Removal or destruction of a structure or site improvement caused by government action, without any contributing fault by the ~~nonconformity's~~ owner or person in control of the nonconformity, is not considered a voluntary removal or destruction.

#### C. Reestablishment and Reconstruction of Nonconformities

A nonconformity destroyed by a fire, accidental explosion, accidental collision, wind storm, snow, collapse, flood, vandalism, or other events or natural calamities outside of the control of the ~~property~~ owner or person in control of the nonconformity may be reestablished or reconstructed if the reestablishment or reconstruction does not create any new nonconformity or increase the degree of the nonconformity as it existed prior to the force majeure event. Examples of situations that are not outside ~~the property's~~ a person's control include changes in economic market conditions or delays in financing.

## 1751-8.4. Maintenance, Repair, Restoration, and Alteration of Nonconformities

All nonconformities may be maintained, repaired, restored, and altered if the maintenance, repair, restoration, or alteration does not create any new nonconformity or increase the degree of ~~the~~ an existing nonconformity.

## 1751-8.5. Expansion and Substitution of Nonconformities

- A. A nonconforming use may be expanded or substituted if it meets the criteria for conditional uses under Sec. 1751-5.C; ~~provided, however, a nonconforming use may only be expanded or substituted if it is located in an existing structure or on a lot that is specifically equipped or designed to accommodate the nonconforming use.~~
- B. Underlying zoning district regulations may only be substituted for less restrictive zoning district regulations as set forth in the following table:

Location of Nonconformity	Substitution Rights
SF-20	None
SF-10	None
SF-6	None
SF-4	None
SF-2	None
RMX	RM-L
RM-M	RM-H
RM-H	RX
RX	NX
NX	CX
CX	CA
CA	IX
DD	None
IX	IH
IH	None
RF-R	RF-C
RF-C	RF-M
RF-M	None
IR	None

## 1751-8.6. Specific to Nonconforming Lots

### A. Applicability

- ~~This section applies specifically to any undeveloped nonconforming lot.—~~
- ~~A lot is “undeveloped” if it has no substantial structures upon it. A substantial structure includes any structure that occupies at least 50% of the lot or 800 square feet in floor area. If the lot is developed, requirements of Sec. 1751-8.4 apply.~~
- ~~A change in use of a developed nonconforming lot may be accomplished only in accordance with Sec. 1751-8.5.~~

### B. Use of Nonconforming Lot

~~A nonconforming lot may be used for any permitted use in the underlying zoning district if all other requirements of this section are met.~~

### C. Setback Nonconformity

~~When the use proposed for a nonconforming lot conforms to all dimensional standards except the applicable setback requirements, the Zoning Administrator/Director may grant a dimensional variance if the standards for a dimensional variance apply (see Section 1708-4).~~

## 1751-8.7. Specific to Nonconforming Site Improvements

### A. Applicability

- ~~This section applies to nonconforming site improvements.—~~
- ~~This section does not apply to minor repairs and renovations (less than 10% of the structural value of a structure or site improvements), or repairs or alterations pursuant to Sec. 1751-8.4.~~

### B. Generally

~~On lots with nonconforming site improvements, no additions to, or repairs or alterations of any structure or site improvement are allowed permitted unless:~~

1. ~~The nonconforming site improvements are brought into complete conformity with the current regulations; or~~
2. ~~The Zoning Administrator-Director approves a dimensional variance for the activity (Section 1708-4).~~

## Sec. 1751-9. Enforcement and Penalties

### 1751-9.1. ~~What is considered a violation of the LDC? Violations of the LDC~~

The following are considered violations of this LDC:

- A. Establishing a use or building type that is ~~inconsistent with those allowed-permitted~~ in the applicable zoning district. ~~or transect zone.~~
- B. Building a structure (including any building or parking area) in a way that ~~is inconsistent with a dimensional standard; violates the LDC's development regulations or use standards.~~
- C. Failing to install improvements, encroachments, or infrastructure that is required by ~~this Code the LDC.~~
- D. Installing improvements, encroachments, or infrastructure that does not comply with ~~this Code the LDC.~~
- E. Building Uses or development that occur without all required permits, approvals or permissions;
- F. Building Uses or development that do not comply with any other applicable condition or requirement of ~~this Code the LDC.~~
- G. Establishing a use or structure that does not comply with any condition or limitation imposed on an administrative order, adjudication, or decision, on a variance, special exception or conditional use (this is grounds to revoke the variance, special exception or conditional use); or other permit, certificate, or covenant to the city, made pursuant to the LDC, or
- H. Otherwise failing to conform to any provision of this LDC or any permit, permission or approval required by the LDC.

### 1751-9.2. ~~Who enforces the LDC? Enforcement of the LDC~~

The Director is authorized to enforce the LDC. The Director may inspect all properties for compliance with the LDC or any conditions of approval when necessary to assure continued compliance.

### 1751-9.3. ~~What actions may the Director take if a violation is found? Director Enforcement~~

#### A. Director Discretion

The Director is authorized to take the following actions to enforce compliance with the LDC:

1. Order compliance with the LDC.
2. Revoke a permit, approval, or permission that does not comply with the LDC.
3. Order the stoppage of work that does not comply with the LDC.
4. Order vacation or a premises or portion of a premises found to be in violation of the LDC.
5. Cite a person found to be in violation of the LDC or a lawful order of the Director with a civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.
6. Cite a person found to be in violation of the LDC or a lawful order of the Director with a criminal offense. The first criminal offense shall be a misdemeanor of the third degree and any subsequent offense shall be a misdemeanor of the first degree.
7. Apply to the City Solicitor to institute civil proceedings pursuant to Sec.1501-27, Civil Proceedings, of the Cincinnati Municipal Code.
8. Take any other enforcement action available in law or equity.

~~has the discretion to pursue compliance with the LDC through permit revocation, issuance of an order to comply, vacation of a premises or portion of a premises found to be in violation, criminal prosecution, issuance of a notice of civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code, or application to the City Solicitor to institute proceedings pursuant to ????, Remedies.~~

## **B. Continuing violations**

1. ~~The Director may issue a citation for a separate offense, for each day that a violation continues or in which there is a failure to comply with an order, adjudication, or decision made under the LDC.~~

## **C. Adjudication orders required**

1. When the Director ~~takes any action provided for in Section A above, the action shall be initiated by denies any approval or takes action in response to findings of non-compliance, such action shall be initiated by~~ issuing an adjudication order; ~~provided, however, the Director may apply to the City Solicitor to institute civil proceedings to enforce violations of the LDC that present imminent threats to the public health, safety and welfare without first issuing an adjudication order, prior to seeking any remedy, civil or criminal.~~
2. Every adjudication order shall:
  - a. Clearly identify the section of law or rules violated;
  - b. Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, change of use, assemblages or procedures are necessary to change to comply with the order;
  - c. When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the

cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.

- d. Include notice of the procedure for appeal and right to a hearing if requested within 30 days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner;
  - e. Specify a reasonable period of time in which to bring the item(s) on the order into compliance;
  - f. Include the signature of the Director;
3. The order shall be sent by certified mail, return receipt requested, to the owner and any individual designated as a representative or agent by the owner in such matters.

## **D. Response to Orders**

The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Director.

## **E. Prosecution and Penalties**

~~When an owner~~ Any person who fails to comply with ~~a final adjudication order paragraph C above,~~ may be prosecuted and is subject to the remedies provided in ~~this Chapter.~~

## **F. Unlawful ContinuancePublic Nuisance**

~~Failure to cease work after receipt of an order to stop work~~ Any violation of the LDC or a lawful order of the Director is hereby declared a public nuisance.

## **1751-9.4. How do I appeal an enforcement order?**

~~Adjudication hearings shall be in accordance with Sec. 1751-3 above and the following:~~

- A. Requests for hearing shall be within 30 days of the mailing date of an adjudication order.
- B. The Zoning Board of Appeals shall schedule a hearing and notify the party.
- C. Notice of the hearing is given as provided in Sec. 1751-6.
- D. For purposes of conducting adjudication hearings, the Zoning Board of Appeals may require attendance of witnesses, production of records and papers, and may take depositions of witnesses in accordance with ORC section 119.09.
- E. Testimony shall be under oath and, as outlined in section 109.1, a stenographic or mechanical record of testimony and other evidence submitted shall be taken at the expense of the Zoning Board of Appeals.
- F. The Zoning Board of Appeals may postpone or continue any adjudication hearing on its own motion or upon the application of any party.
- G. The Zoning Board of Appeals shall keep a full and complete record of all proceedings which shall be open to public inspection.
- H. The Zoning Board of Appeals shall render its decision within thirty days after the hearing.
- I. Following the hearing, an order shall be entered on its journal, and the Zoning Board of Appeals shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.
- J. Any City officer or official, or person who was a party to the hearing before the Zoning Board of Appeals, may appeal to the court of common pleas of Hamilton County.

## **1751-9.5. What remedies are available to the City?**

If the Director, or any other officer charged with enforcing the LDC, is satisfied that any provision of this Code is violated or about to be violated in any respect, or that any order or direction to enforce this Code not complied with, the Director or the official may choose either of the following:

- A. If the Director is satisfied that civil proceedings are necessary to enforce the code, the Director shall apply to the City Solicitor, who is authorized to institute civil proceedings.
- B. If a building or structure is or is intended to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is or is intended to be used, in violation of this Code, the City Solicitor, in addition to the remedies provided in this Chapter, may institute any appropriate action in law or equity to prevent the unlawful act, or to restrain, correct or abate the violation.
- C. The actions authorized by this section are in addition to those authorized by Sec. 1751-8.6.

## **1751-9.6. What are the penalties for a violation?**

- A. Whoever violates the LDC or fails to obey any lawful order of the Director issued to enforce the LDC, is guilty of a misdemeanor of the third degree on the first offense and guilty of a misdemeanor of the first degree on the second and subsequent offense. Each day's continuation of a violation or failure to comply is a separate offense. This section does not apply to Sec. 1707-1. Historic Preservation.
- B. As an alternative to criminal prosecution, the Director may cite a person who violates any provision of this LDC or fails to obey any lawful order of the Director issued to enforce this LDC, for a civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.



## 1751-9.7. Special rules for Historic Assets

~~A person may not cause, whether by neglect or willful action or inaction:~~

### A. ~~Alteration, Demolition or Environmental Change~~

~~A person may not cause, whether by neglect or willful action or inaction, an alteration of or environmental change or demolition affecting a historic structure or a historic site or district without first having obtained a certificate of appropriateness for the alteration, demolition or environmental change.~~

### B. ~~Care, Maintenance and Upkeep~~

~~A person may not, whether by neglect or willful action or inaction, fail to provide reasonable care, maintenance and upkeep appropriate for the preservation, protection, enhancement, rehabilitation, perpetuation or use in compliance with the terms of [Sec. 1707-1](#).~~

### C. ~~A person who causes, whether by neglect or willful action or inaction, an alteration of or environmental change or demolition affecting a historic landmark or a historic site within a historic district in violation of [Sec. 1707-1](#) shall restore the structure or property to its appearance as the Historic Conservation Board may approve.~~

~~enforce this section. This civil remedy is in addition to and not in lieu of a criminal prosecution and penalty or civil prosecution and penalty pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.~~

- ~~C. Whoever violates any provision of [Sec. 1707-1](#), or fails to conform to any provision of that section or fails to obey any lawful order of the Director issued to enforce that section, is guilty of a misdemeanor of the first degree. Each day's continuation of a violation or failure to comply is a separate offense.~~
- ~~D. As an alternative to criminal prosecution, the Director may cite a person who violates [Sec. 1707-1](#), or fails to conform to any provision of that section or fails to obey any lawful order of the Director issued to enforce that section, for a civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.~~
- ~~E. A person who owns, or who is the owner's agent or has control of, a historic property or structure located within an historic site or district, which violates a provision of [Sec. 1707-1](#), is guilty of a misdemeanor of the first degree. Each and every day that a person continues to violate the provisions of [Sec. 1707-1](#), after receiving notice of the violation, is a separate offense.~~

## 1751-9.8. ~~What remedies does the City have for a violation regarding an Historic Asset?~~

- ~~A. The City Solicitor may bring a civil action, whether equitable or legal, as needed to enforce [Sec. 1707-1](#). Historic Preservation.~~
- ~~B. A person who causes, whether by neglect or willful action or inaction, an alteration of or environmental change or demolition affecting a historic landmark or a historic site within a historic district in violation of [Sec. 1707-1](#) shall restore the structure or property to its appearance as the Historic Conservation Board may approve. The City Solicitor may bring actions to~~

# Chapter 1753. Definitions

Sec. 1753-1. General Meaning of Words and Terms..... 53-2

Sec. 1753-2. Defined Terms ..... 53-2

# ..... 53-2

A ..... 53-2

B ..... 53-3

C ..... 53-5

D ..... 53-9

E ..... 53-11

F ..... 53-12

G ..... 53-15

H ..... 53-16

I ..... 53-18

J ..... 53-18

K ..... 53-18

L ..... 53-18

M ..... 53-21

N ..... 53-22

O ..... 53-23

P ..... 53-24

Q ..... 53-27

R ..... 53-27

S ..... 53-29

T ..... 53-33

U ..... 53-35

V ..... 53-35

W ..... 53-36

X ..... 53-37

Y ..... 53-38

Z ..... 53-38

## Sec. 1753-1. General Meaning of Words and Terms

- A. For purposes of the Cincinnati Land Development Code, words and phrases defined in this chapter have the meanings ascribed to them; additional definitions may be in particular chapters of the Code.
- B. Any word or term not specifically defined or described in this chapter shall have their commonly accepted and ordinary meaning.

## Sec. 1753-2. Defined Terms



~~1980 Inventory of Hamilton County Soils. "1980 Inventory of Hamilton County Soils" means the report prepared by the Ohio Department of Natural Resources Division of Lands and Soil in conjunction with the Soil Conservation Service of the U.S. Department of Agriculture. This study may be used to evaluate the impact and feasibility of development.~~

### A

**Abutting or Adjoining.** "Abutting" or "adjoining" means having district boundaries or lot lines in common.

~~**Accessory Dwelling.** "Accessory dwelling" means an auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to, dwelling units in guest houses, pool houses and carriage houses, above or beside a garage.~~

**Accessory Structure.** "Accessory structure" means a structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site.

**Accessory Use.** "Accessory use" means a use or structure subordinate, customarily incidental and exclusive to the principal use of a building or land and located on the same lot as the principal building or use except as otherwise specified.

**Addition.** "Addition" means the enlargement of an improvement accomplished by appending a new improvement.

**Adjacent.** "Adjacent" means sharing a common lot line, or having lot lines separated only by an alley.

**Adversely Affected Person.** "Adversely Affected Person" means the applicant, property owner, or any other person, organization, association, entity, or city official who has appeared before the Historic Conservation Board personally, by representative, or in writing on a matter affecting such party, or who has attended a pre-hearing conference on a matter affecting such party.

**Airport.** "Airport" see "Transportation, Airport".

**Alley.** "Alley" means a public or private way less than 21 feet in width that may provide vehicular access to abutting properties.

**Alteration.** "Alteration" means a change in either the supporting members of a building, such as bearing walls, columns, beams and girders or in the dimensions or configuration of the roof or exterior walls.

**Ambulance Services.** "Ambulance services" means administrative facilities for emergency medical care, including the provision of transportation services and the maintenance of vehicles. Includes blood and organ banks.

**Animal Services.** "Animal services" means the boarding, grooming or medical care for small animals for no more than 30 days. This classification does not include dog walking and similar pet care services that are not carried out at a fixed location.

**Antenna.** "Antenna" means a system of poles, panels, rods or similar devices used for the transmission or reception of radio frequency signals.

~~**Apiary.** "Apiary" means a a man-made structure which anchors a colony or colonies of bees through the accommodation of a beehive or beehives. For the purposes of the LDC, bees are limited to the honey bee, or genus known as apis mellifera.~~

**Architectural Element.** "Architectural element" means a prominent or significant part or detail of a building, structure or site.

**Architectural Features.** "Architectural features" means exterior building elements intended to provide ornamentation to the building massing including, but not limited to: eaves, cornices, bay windows, window and door surrounds, and balconies.

**Area of Special Flood Hazard.** "Area of special flood hazard" means the area in the flood plain subject to a 1% or greater chance of flooding in any given year. Specifically, for the purposes of this Manual, the area shown in the Flood Insurance Study referenced in Cincinnati Municipal Code Section 1109-05 and kept on file by the Director.

**Arterial Street.** "Arterial street" means a roadway primarily for through traffic, usually on a continuous route not having access control. This term includes both principal arterial and minor arterial streets as classified by the Department of Transportation and Engineering.

**Assisted Living.** "Assisted living" means an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, but that is not licensed to provide skilled nursing care.

~~**Assurance of Completion.** "Assurance of completion" means a contract secured by a bond in an amount and with surety satisfactory to the City Manager guaranteeing completion of public improvements which are shown on the Subdivision Improvement Plan as the responsibility of the sub-divider.~~

~~**Attached Single-Family Dwelling.** "Attached single-family dwelling" means a dwelling unit that is attached to one or more dwelling units, each with independent~~

~~exterior access and each with no less than two exterior walls. Attached single-family dwellings include cluster housing.~~

**Automated Teller Machine (ATM).** "Automated Teller Machine (ATM)" means an electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently.

**Automobile Holding Facility.** "Automobile holding facility" means a building or ground area used for the parking of vehicles needing mechanical, body or chassis repair being vehicles not owned by the person who towed the vehicle or the person who will make the repairs and not involving the removing of parts, accessories, equipment or sections or portions thereof for sale to others or the keeping, buying or selling of junked, wrecked, scrapped, ruined or dismantled motor vehicles.

**Awning.** An "Awning" is an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached. An awning may be fixed or of a type that can be retracted, folded or collapsed.

## B

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~~**BMP.** "BMP" see Best Management Practice.~~

~~**Balcony.** "Balcony" means an exterior floor system projecting from a structure and supported by that structure, with no additional independent supports.~~

**Bank.** "Bank" means the land area bordering the stream channel equivalent to the width delimited by the ordinary high water mark.

**Bank and Financial Services.** "Bank" and "financial services" means an establishment that provides retail banking, credit and mortgage, or insurance services to individuals and businesses. This classification includes banks and savings and loan establishments, brokerage

firms, check cashing and currency exchange outlets and stand-alone automated teller machines. This does not include payday loan/alternative financial establishments.

**Barge Terminal.** "Barge terminal" means facilities for launching, mooring, docking, loading, unloading and servicing river barges, including backup land for storage and transshipment.

**Base Flood.** "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1 percent chance annual flood (Cincinnati Municipal Code Section 1109-01).

**Base Flood Elevation.** "Base flood elevation" means the water surface elevation of the Base Flood in relation to either the National Geodetic Vertical Datum of 1929 expressed in Feet Mean Sea Level or the North American Vertical Datum of 1988 expressed in U.S. Survey Feet (Cincinnati Municipal Code Section 1109-01) and measured on or immediately adjacent to the Development.

**Basement.** "Basement" means the portion of a building below or immediately above grade and not used for habitation, except that in any building a basement may be used for habitation if one wall of the basement is entirely above ground and each dwelling unit in the basement abuts that wall for at least 12 feet.

**Bed and Breakfast.** "Bed and breakfast" means an establishment licensed, pursuant to Chapter 855 of the Municipal Code, of no more than five guest rooms providing lodging and meal accommodations to paying guests and a maximum stay of no more than four consecutive weeks. Kitchen facilities are not provided for use by guests.

**Berm.** "Berm" means a mound or embankment of earth, together with necessary retaining structures, if required.

~~**Best Management Practices (BMP).** "Best Management Practices" means those schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMPs also~~

~~include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.~~

**Bicycle Parking Space.** "Bicycle Parking Space" means an area of no less than 2 feet in width by 6 feet in length provided for securing a bicycle to a bicycle rack, bicycle locker, or similar system for securing a bicycle.

**Block Face.** "Block face" means the properties abutting each other on one side of the street, and lying between the two nearest intersection or intercepting streets.

**Boat and Ship Yard.** "Boat and ship yard" means a facility for construction of recreational marine craft in enclosed structures, boat storage, boat repair yards and ship yards for the construction, repairing and servicing of commercial vessels including tug boats, barges and ferries.

**Breezeway.** "Breezeway" means a roofed, passageway connecting two structures, an example is a passageway between a house and a garage.

**Brow.** "Brow" means a brow of the hill that is the separator between the hilltop that is level or gently sloping and the hillside that is steeply sloped.

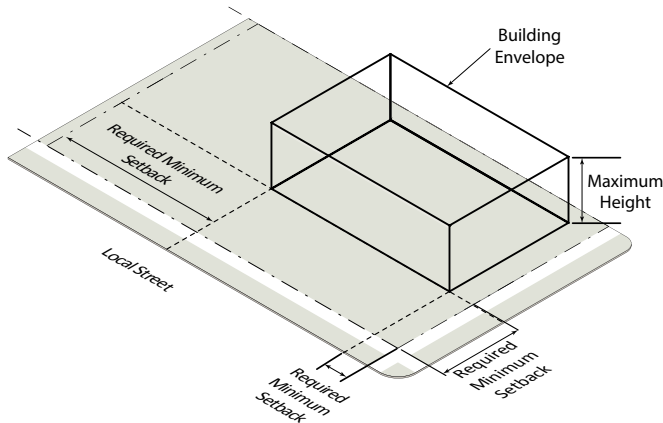
**Buffer Yard.** "Buffer yard" means an open space, landscaped area, fence, wall, berm or any combination thereof used to physically separate potentially incompatible land uses on adjoining lots. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 297-2009, § 4, eff. Dec. 12, 2009; a. Ord. No. 156-2010, § 6, eff. June 12, 2010)~~

**Building.** "Building" means a structure permanently fixed to the ground consisting of floors, walls and roofs that completely surround an interior space and may include exterior appurtenant structures such as porches or decks.

**Buildable Area.** "Buildable area" means the area in which a building may be constructed.

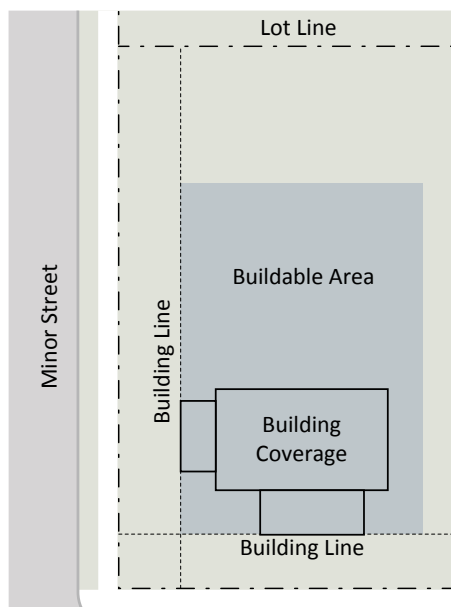
**Building Entrance.** "Building entrance" means a point of pedestrian ingress and egress to a building.

**Building Envelope.** "Building envelope" means the volume of space for which a principal building could be extended in compliance with the minimum setbacks and the maximum allowable building height.



**Building Form.** "Building form" means the overall shape and dimensions of a building.

**Building Line.** "Building line" means a line parallel to the street right-of-way line at any story level of a building and representing the distance that all or any part of the building is set back from the right-of-way line.



**Building Maintenance Service.** "Building maintenance service" means an establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing,

janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging and sign painting or packing and crating.

**Building Materials Sales and Service.** "Building materials sales and service" means retailing, wholesaling or rental of building supplies or construction equipment. This classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments. (Note: establishments that operate from a warehouse are classified separately).

**Building Signs.** "Building signs" means Any sign that is fastened, attached, connected, or supported in whole or in part by a building or architectural feature.

**Building Site.** "Building Site" means the portion of a lot on which a principal building could be erected in compliance with the yard requirements of the Zoning Code.

**Building Type.** "Building type" means a building defined by its combination of configuration, disposition and function. A list of building types is set forth in [Sec. 1705-2](#).

**Build-to Line (BTL).** "Build-to Line" means a line parallel to a lot line or right-of-way line where a building facade must be placed.

## C

**Canopy.** A "Canopy" is an architectural projection that provides weather protection, identity or decoration. It is supported by the building to which it is attached or by not less than one stanchion support at the outer end. A canopy is comprised of a rigid structure over which a covering is attached.

**Car Wash.** "Car wash" means the washing, waxing or cleaning of automobiles or similar light vehicles.

**Cemetery.** "Cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services.

**Ceiling Height, Ground Floor.** "Ground floor ceiling height" means the height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

**Ceiling Height.** "Ceiling height" means the height from finished floor to finished ceiling of primary rooms on a floor above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

**Certificate of Appropriateness.** "Certificate of Appropriateness" means a certificate issued by the Historic Conservation Board or Urban Conservator, as applicable, indicating that a proposed alteration or demolition is in accordance with the provisions of this chapter

**Chamfered Corner.** "Chamfered corner " means the intersection of three walls that creates a beveled edge rather than a 90 degree corner.

**Changeable Copy Sign.** "Changeable copy sign " means a variable message sign composed of individual letters panel mounted in or on a track system.

**Charrette.** "Charrette" means a multi-day collaborative design and planning workshop that includes all affected stakeholders with an interest in the matter at hand.

**Cincinnati Hillside Development Guidelines.** "Cincinnati Hillside Development Guidelines" means the guidelines prepared in 1975 by the Cincinnati Institute for the City Planning Commission which are adopted as an appendix to this chapter. These guidelines are for the evaluation of proposed projects within adopted Hillside Overlay Districts.

~~**Circular Drive.** "Circular drive" means a curvilinear driveway that leads to a building entrance, having two entrance and exit points, allowing a vehicle to travel in a continuous forward motion.~~

**Civic.** "Civic" means a term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

**Civic Building.** "Civic building" means a structure operated by governmental organizations and limited to civic and related uses.

**Civic Space.** "Civic space" means an outdoor area dedicated to civic activities.

**Clean Water Act.** "Clean Water Act" means the federal law entitled the Federal Water Pollution Control Amendments of 1972 and codified at 33 U.S.C. §1251 et seq.

**Club or Lodge.** "Club" and "lodge" mean a meeting, recreational, or social facility of a private or nonprofit organization or public institution primarily for use by members or guests including residential accommodations that are available to members or guests on a temporary basis but excluding residential hotels. This classification includes union halls and social clubs.

~~**Collector Street.** "Collector street" means a street that serves as a traffic way for a neighborhood or a feeder to an arterial street.~~

**College, Public or Private.** "Public or private college" means an institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.

**Collocation.** "Collocation" means that more than one wireless communications provider mounts equipment on a single support structure.

**Colluvium.** "Colluvium" means soil material, rock fragments or both, moved by creep, slide or local wash deposited on or at the base of hillside slopes.

**Commercial.** "Commercial" means a term defining service and retail uses collectively.

**Commercial and Industrial Machinery and Equipment Rental and Leasing.** "Commercial and Industrial Machinery and Equipment Rental and Leasing Establishments" mean businesses primarily



engaged in renting or leasing machinery and equipment for use in business or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. Examples including the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.

**Commercial Meeting Facility.** "Commercial meeting facility" means a facility used for assemblies or meetings of the members or representatives of a group, such as convention centers and banquet halls. This classification does not include clubs, lodges or other meeting facilities of private or non-profit groups that are primarily used by group members.

**Commercial Pier and Port.** "Commercial pier" and "commercial port" mean a facility for launching, mooring, docking and servicing commercial watercraft, ferry boats and excursion boats, including passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, etc.

**Commercial Vehicle.** "Commercial vehicle" means any motorized vehicle other than one used for non-commercial personal or family transportation, recreation, van pooling or ride sharing. Commercial vehicles include commercial trucks, buses, buses used as recreational vehicles, commercial vans, tractors, semi-trailers, motorized farm vehicles, earth moving equipment and construction equipment.

**Commissary.** "Commissary" means a small shop selling food, dairy, drug and other household or convenience items including video rental.

**Common Area.** "Common area" means a portion of a residential development reserved for the exclusive use of the persons who reside in a dwelling unit within the development, and their guests.

~~**Common Courtyard.** "Common courtyard" means an entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.~~

**Communications Facility.** "Communications facility" means broadcasting and other communication services accomplished through electronic mechanisms. This

classification includes radio, television or recording studios, switching centers and cable transmitting stations.

~~**Communications-Related Equipment.**~~

~~"Communications-related equipment" means equipment ancillary to the transmissions and reception of voice and data via radio frequencies.~~

**Community Correctional Facility.** "Community correctional facility" means a facility comprised of one or more buildings designed for total occupancy by no more than 150 persons who live under criminal justice supervision and constraint while receiving therapy and counseling under alternatives to imprisonment, including, but not limited to, pre-release, work-release and probationary programs.

**Community Garden.** "Community Garden" means a site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off site sale of items grown on the site.

~~**Community Learning Center.** "Community learning Center" means a community campus designed to provide integrated educational, recreational, health, and civic services to the populations of the community in which the campus is located.~~

~~**Community Residential Center:** See "Halfway House."~~

**Community Service Facility.** "Community service facility" means a noncommercial facility established primarily for the benefit and service of the populations of the communities in which they are located, such as YMCA or YWCA facilities, boys and girls clubs and offices of community councils, non-profit civic, religious, welfare or philanthropic organizations.

**Composting Facility.** "Composting facility" means a facility where organic matter that is derived primarily from off-site material (such as yard or garden waste) is transformed into soil or fertilizer by biological decomposition. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**Conditional Use.** "Conditional use" means a use generally compatible with other uses in a zoning district. The use requires individual review of its location, design, configuration and density and intensity and may require imposition of conditions to ensure the appropriateness of the use at a particular location.

**Congregate Housing.** Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

**Construction.** "Construction" means the addition or removal, whether in whole or in part, of making an improvement to a lot, building or structure.

**Consumer Goods Rental/General Rental Centers.** "Consumer goods rental/general rental centers" are establishments primarily engaged in renting personal, household-type or recreational goods such as consumer electronics, appliances, formal wear, furniture, bicycles, canoes, motorcycles, and sailboats. These establishments often operate from a retail-like or store-front facility.

**Contractor Storage.** "Contractor storage" means a yard for storage of building, construction, or landscaping materials or equipment.

**Convenience Store.** "Convenience store" means establishments that retail a limited line of goods that generally include milk, bread, soda and snacks. Convenient stores may or may not include fuel sales. Automotive repair is also ~~allowed~~ **permitted** if it is specifically listed as a permitted use in the applicable zoning district.

**Convents and Monasteries.** "Convents and monasteries" means group dwellings for members of religious orders.

**Corner Entry.** "Corner entry" means an entrance located on the corner of a building.

**Corner Lot.** See "Lot, Corner".

**Correctional Institution.** "Correctional institution" means a facility where persons are detained pending adjudication or confined under sentences of two

years or less provided that the facility is operated by a Hamilton County law enforcement agency or under contract with the Board of County Commissioners of Hamilton County. Includes community correctional facilities, correctional facilities or juvenile detention facilities.

**Courtyard.** "Courtyard" means an uncovered area that is completely or partially enclosed by walls or buildings.

**Courier and Messenger Services.** "Courier and messenger services are Establishments primarily engaged in providing air, surface, or combined mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pick-up and delivery. Examples include air courier services, express delivery services; local delivery services for letters, documents, or small parcels; grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services.

**Covenant.** "Covenant" means a legal agreement between the property owner and the City of Cincinnati concerning the use of land and compliance with the Cincinnati Zoning Code binding on the owner and the owner's successors and assigns.

**Craft Brewery, Winery, or Distillery.** "Craft Brewery, Winery, or Distillery" means an establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

**Crawl Space.** "Crawl space" means a shallow unfinished uninhabitable space beneath the floor or directly under the roof of a building that provides access to utility, structural and other building components not readily accessible from the habitable portions of the building.

~~**Crosswalkway.** "Crosswalkway" means a right-of-way used primarily for pedestrian travel through or across any portion of a block.~~

~~**Cul-De-Sac.** Cul-De-Sac means a short, minor street, having but one end open for motor traffic, the other being permanently terminated by a vehicular turnaround.~~

**Cultural Institution.** "Cultural institution" means a nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, aquariums and observatories.

## D

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### **Data Processing, Hosting and Related Services.**

"Data processing, hosting and related services" is a facility equipped with or connected to one or more computers, used for processing, transmitting or hosting of data.

**Day Care Center.** "Day care center" means an establishment, other than a Day Care Home, licensed by the State of Ohio when required and providing care and supervision for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

**Day Care Home - Adult.** "Day care home - adult" means a day care facility located in a permanent residence where an occupant of the residence provides care and supervision for three or fewer adults at one time with no outside employees.

**Day Care Home - Type A.** "Day care home - Type A" means a child care facility located in a permanent residence where an occupant of the residence provides care and supervision for seven to twelve children at one time, including children under the age of 6 related to the provider. The provider must be licensed by the State of Ohio Department of Human Services and can have no more than one employee assisting.

**Day Care Home - Type B.** "Day care home - Type B" means a child care facility located in a permanent residence where an occupant of the residence provides care and supervision for six or fewer children at one time, including children under the age of 6 related to the provider. No employees are permitted.

**Decision.** "Decision" means a discretionary action by a decision-making body.

**Decision-Making Body.** "Decision-making body" means an individual, officer, board or commission representing the City authorized to decide an application.

~~**Deck.** "Deck" means an exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports. For the purposes of this Code, a deck is a part of the structure it is accessory to.~~

**Demolition.** "Demolition" means any act or process that razes, removes, or destroys, in whole or in part a Historic Asset or non-contributing structure, or the substantial deterioration of a Historic Asset or non-contributing structure.

**Density.** "Density" means the number of dwelling units for every unit of land. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 159-2008, § 2, eff. June 7, 2008)

~~**Department.** "Department" means the Department of Planning and Buildings, including predecessor or successor departments charged with administering the LDC.~~

~~**Depth, Ground-Floor Space.** "Ground-floor space-depth" means the distance from the street-facing facade to the rear interior wall of the ground-floor space available for an permitted use.~~

**Depth-to-Height Ratio.** "Depth-to-height ratio" means the relationship of the depth of a space divided by the average height of the surrounding buildings.

**Detached.** "Detached" means separate or unconnected.

**Detached House(s).** "Detached house(s)" means separate or disconnected building.

**Development.** "Development" means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or any mining, excavation, landfill, or land disturbance or any use or extension of the use of land.

**Developmental Disability Dwelling.** "Developmental disability dwelling" means an establishment licensed by the State of Ohio that is located in a single-family residence and provides accommodation, personal care, habilitation services and supervision in a family setting for not more than eight residents with developmental disabilities and employees caring for such residents.

**Director.** "Director" means the Director of City Planning and Buildings or their duly appointed representative.

**Disability.** A physical or mental impairment that substantially limits one or more major life activities.

**Disability, Persons with.** "Disability, persons with" means individuals who are regarded as having a physical or mental impairment, or with a record of such impairment.

**Disposition, Formal.** "Formal disposition" means composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

**Disposition, Informal.** "Informal disposition" means civic spaces with an informal character have a mix of formal and natural characteristics.

**Disposition, Natural.** "Natural disposition" means a preservation of the existing natural condition or a composition of elements arranged as they would appear in nature, with irregular shapes and asymmetry.

**Distance Between Entries.** "Distance between entries" means the horizontal distance between entrances on the main facade of a building or buildings.

**Dooryard.** "Dooryard" See [Sec. 1705-3.9](#).

**Dormitory.** "Dormitory" means a space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

**Double-Frontage Lot.** See "Lot, Double Frontage".

**Drinking Establishment.** See "Establishment, Eating and Drinking".

**Drive Box.** "Drive box" means an enclosable container temporary in nature for receiving recyclable or reusable material.

**Drive-Thru.** "Drive-Thru" means a facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies.

**Drive-Thru Components.** "Drive-Thru Components" means any equipment or signage integral to the drive-through operations including but not limited to menu boards, pick-up or service windows, queuing lines, ATMs and voice boxes.

**Driveway.** "Driveway" means a vehicular lane within a lot, or shared between two lots, usually leading to a garage, other parking or loading area.

**Dwelling.** "Dwelling" means a building occupied, arranged, intended, or designed to be occupied as an abode for one or more persons.

**Dwelling, Attached:** "Attached dwelling" means a single or a multifamily residential structure that is attached to one or more residential structures, each located on separate lots and with independent access to the exterior, connected by a fire resistive common wall or abutting walls or by a garage or other structural element.

**Dwelling, Carriage House.** "Carriage house dwelling" means an accessory outbuilding used as a single family dwelling on the same lot as the primary single family dwelling.

**Dwelling, Loft.** ~~"Loft dwelling" means a dwelling unit which may contain a studio, gallery, office or business.~~

**Dwelling, Rowhouse.** See Dwelling, Attached ~~"Rowhouse Dwelling" means a building containing two or more single-family rowhouses, each rowhouse being separated from the adjoining rowhouse by fire resistive walls without openings and each rowhouse having independent access to the exterior of the building in the ground story~~

**Dwelling, Single Family.** ~~"Single family dwelling" means a freestanding building designed for occupancy by one family.~~

**Dwelling, Single Family Attached.** "Single family attached dwelling" means a dwelling unit that is attached to one or more dwelling units, each with independent exterior access and each with no less than two exterior walls. ~~Attached single-family dwellings include cluster housing.~~

**Dwelling, Single Family Detached.** "Single family detached dwelling" means a freestanding building designed for occupancy by one family.

**Dwelling, Four Family.** "Four family dwelling" means a single building containing four dwelling units, each of which has direct access to the outside or a common hallway leading outside.

**Dwelling, Three Family.** "Three family dwelling" means a single building containing three dwelling units, each of which has direct access to the outside or a common hallway leading outside.

**Dwelling, Two Family.** "Two family dwelling" means a single building that contains two dwelling units, each of which has direct access to the outside or a common hallway leading outside.

**Dwelling, Student.** "Student dwelling" means a dwelling that is occupied by three or more students, or a multi-family dwelling in which 50% or more of the dwelling units are occupied by students. For purposes of this definition, "student" means any person enrolled in or that has been accepted to a trade school, community college, technical college, college, university, or other similar institution of higher learning and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution, but shall not include any person enrolled in or that has been accepted to an institution, school, college or university solely offering courses by electronic means or by other correspondence.

**Dwelling Unit.** "Dwelling unit" means one or more rooms with a single kitchen designed for occupancy by ~~one family~~ a household for living and sleeping purposes.

**Dwelling Unit, Stacked.** "Stacked dwelling unit" means a dwelling unit situated immediately above or below another dwelling unit.

## E

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**Easement.** "Easement" means a grant of one or more property rights for a designated portion of land by the property owner to the public, a corporation, person or other entity. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Eating or Drinking Establishment.** "Eating or drinking establishment" means a business that is primarily engaged in serving prepared food or beverages for consumption on or off the premises with or without alcohol sales. It includes drinking establishments, bars, nightclubs, lounges or dance halls serving beverages for consumption on the premises as a primary use and including on-site service of alcohol, including beer, wine and mixed drinks.

**Eave.** "Eave" means the overhang at the lower edge of a roof.

**Elevated Ground Floor.** "Elevated ground floor" means a ground floor situated above the grade plane at street-level.

**Encroachment.** "Encroachment" means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit, and extends into a setback, beyond the build-to-line, into the public frontage, or above a height limit.

**Entry.** "Entry" means an opening, such as a door, passage, or gate that allows access to a building.

**Entry, Service.** "Service entry means an entry used for the delivery of goods and removal of refuse.

**Erosion.** "Erosion" means the wearing away of the land surface by the action of the wind, water, gravity, or other natural process.

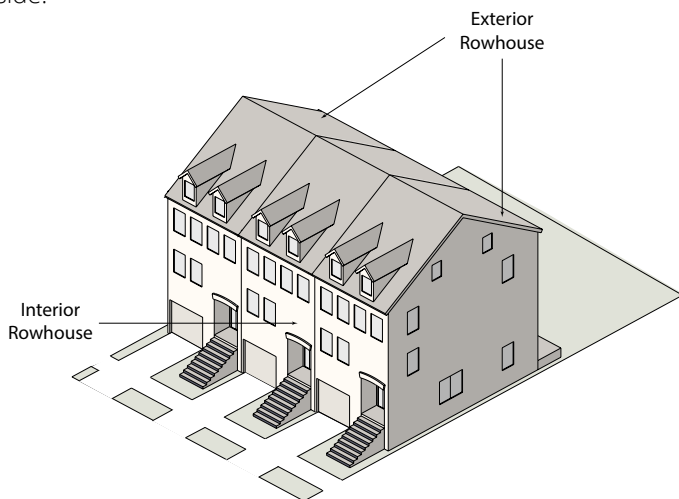
**Establishment.** "Establishment" means a specific land use on a lot or within a building. For purposes of this code, and establishment with multiple uses and/or products is considered to be one establishment when operating under one roof, within the same building footprint, or controlled a unifying entity.

~~**Expressway.** "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.~~

**Extension.** "Extension" means an increase in the amount of the existing gross floor area.

**Exterior Lighting.** "Exterior lighting" means exterior light sources on private property including canopy, perimeter and flood.

**Exterior Rowhouse Lot.** "Exterior rowhouse" means a lot that is or is intended to be a site for a single-family rowhouse with a similar rowhouse attached on only one side.



**External Employee.** "External employee" means an employee who does not reside at his or her place of employment.

## F

**Facade, Building.** "Building facade" means the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line. (~~Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004~~)

**Facade Zone.** "Façade zone" the area between the minimum and maximum setback lines.

**Facility.** "Facility" means an improvement, structure or building that is designed and used for a particular purpose.

~~**Family.** "Family" means a person living alone or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group residential use. As applied in the SF District use regulations "family" includes:~~

- ~~1) Up to five persons unrelated to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or~~
- ~~2) Up to eight persons, other than foster parents and employees, living together in a foster home approved and regulated by the State of Ohio.~~

**Farming.** "Farming " means the raising of tree, vine, field, forage and other plant crops, as well as the keeping, grazing or feeding of animals and incidental processing, storage and retail sales facilities. This does not include animal feeding operations, which are classified under Industry, Manufacturing and Processing.

~~**Federal Emergency Management Agency (FEMA).** "Federal Emergency Management Agency" means the agency with the overall responsibility for administering the National Flood Insurance Program.~~

**Fence.** "Fence" means a barrier made of wire, wood, metal, masonry or other material typically used as fencing or determined appropriate by the Director of



Buildings and Inspections, used as a screen or enclosure for a yard or open space. It includes a wall, gate or other structure used as a fence.

**Fill.** "Fill" means a deposit of earth material placed by artificial means.

**Finished Grade.** "Finished grade" means the final ground elevation around a building after all earthwork has been completed.

**Flex Space.** "Flex space" means the final ground elevation around a building after all earthwork has been completed.

**Flood or Flooding.** "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters, and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM).** "Flood hazard boundary map" means the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas:

**Flood Hazard Notation.** "Flood Hazard Notation" means a notation for all subdivisions for which no plat is required, in which the following notice shall appear on a conveyance of a parcel if said parcel is within an area of special flood hazard: "A portion of this subdivision is within an area of special flood hazard—consult the Cincinnati offices of the Department of City Planning and Buildings and the Storm water Management Division of MSD."

**Flood Insurance Rate Map (FIRM).** "Flood Insurance Rate Map" means the official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

**Flood Insurance Risk Zones.** "Flood Insurance Risk Zones" means the zone designations on FHBM's and FIRM's that indicate the magnitude of the flood hazard in specific areas of a community.

**Flood Insurance Study (FIS).** "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

**Flood Plain or Flood Prone Area.** "Flood plain or flood prone area" means land area susceptible to being inundated by water from any source.

**Flood Protection Elevation.** "Flood protection elevation" means the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

**Floodway.** "Floodway" means the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**Floodway Fringe.** "Floodway fringe" is the area that encompasses the portion of the flood plain that could be completely obstructed without increasing the water surface elevation of the base flood more than 1.0 foot at any point.

**Floor Area.** "Floor area" means inside surface measured to the outside walls in a defined space

**Floor Area, Gross.** See "Gross, Floor Area".

**Floor Area Ratio (FAR).** "Floor area ratio" means the gross floor area of a building divided by total lot area, but exclusive of such floor area as may be used for parking



facilities within the principal building and exclusive of such floor area as may be used for incidental service storage, installations of mechanical equipment, housing ventilators and heating systems and similar uses and the space used in common for recreational purposes by tenants and their guests where such facilities are not a part of an individual dwelling unit.

**Floorplate.** "Floorplate" means an area measurement in square feet of either the gross or the rentable floor area of a typical floor in a building.

**Floorplate, Commercial.** "Commercial floorplate" means the square footage area measurement of a floorplate dedicated to commercial uses.

**Floorplate, Residential.** "Residential floorplate" means the square footage area measurement of a floorplate dedicated to residential uses.

**Food Market.** "Food market" means an establishment for retail sales of food and beverages for off-site preparation and consumption. Typical uses include supermarkets, specialty food stores, delicatessens or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

**Food Preparation.** "Food preparation" means a business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.

**Footprint.** "Footprint" means the outline of the area of ground covered by a building or structure.

**Footprint Area.** "Footprint area means the total square footage contained within a footprint.

**Four-Family Dwelling.** "See "Dwelling, Four-Family."

**Fraternity or Sorority House.** "Fraternity or sorority house" means a building used as group living quarters for students of a college or university, who are members of a fraternity or sorority recognized by the college or university.

**Freeboard.** "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**Freestanding Wall.** "Freestanding wall" means a wall that is separate from a building and supported by independent means.

**Freeway.** ~~"Freeway" means an expressway with full control of access.~~

**Front Lot Line.** See "Lot Line, Front".

**Front Yard.** "Front yard" means the area of a lot extending across the full width of the lot and measured between the building line and the front lot line.

**Frontage.** "Frontage" means a strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

**Frontage, Private.** "Private frontage" means the area between the building facade and the shared lot line between the public right-of-way and the lot.

**Frontage, Public.** "Public frontage" means the area between the curb of the vehicular lanes and the edge of the right-of-way.

**Frontage Line.** "Frontage line" means the lot lines fronting a thoroughfare or other public way, or a civic space.

**Frontage, Street.** "Street frontage" means the sides of a lot abutting a street.

**Frontage Type.** "Frontage type". See Sec. 1705-3 (Specific to Frontage Types).

**Fuel Sales.** "Fuel sales" means the retail sale of gasoline, diesel and kerosene fuels.

**Funeral and Interment Service.** "Funeral and interment service" means an establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses

include funeral parlors, crematories, mortuaries or columbaria. A "cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services.

**Furniture and Fixture Manufacturing.** "Furniture and fixture manufacturing" means a business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, and wood and cabinet shops, but not sawmills or planing mills.

**Furniture Area.** "Furniture area" means an area of space that allows for the placement of furniture without restricting the movement of pedestrians.

## G

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**Gable.** "Gable" means a vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

**Garage.** "Garage" means a structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

**Garden Supply, Nursery.** "Garden supply" and "nursery" means an establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment.

**General Retail.** See "Retail".

**Glazing.** "Glazing" means openings in a building in which glass is installed.

**Government Facility or Installation.** "Government facility or installation" include Major mail processing centers, military installations, vehicle emissions testing facilities and other similar facilities.

**Government Offices.** "Government Offices " include administrative, clerical or public contact offices of a government agency, together with incidental storage and maintenance of vehicles, including post offices.

**Grade, Existing.** "Existing grade" means the elevation of the ground level or pavement at a stated location as it exists prior to disturbance in preparation for a development.

**Grade, Finished.** "Finished grade" means the final elevation of the ground level after completion of the development.

**Gross Floor Area.** "Gross Floor Area" means the sum of the gross horizontal area of all floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings with no deduction for hallways, stairs, closets, thickness of interior walls, columns or other features. This definition does not include the area of parking facilities within the principal building.

**Ground Floor.** "Ground floor" means the floor of a building located nearest to the level of the ground around the building.

**Group Home.** See "Transitional Housing".

**Group Residential.** "Group residential" includes shared living quarters such as rooming houses, shared housing for the elderly, congregate housing, monasteries, convents, dormitories, sororities, fraternities, patients' family homes and private residential clubs. This classification excludes bed and breakfast.

**Group Residential, Congregate Housing.**

"Congregate housing group residential" means apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

**Group Residential, Fraternity, Sorority or**

**Dormitory.** "Fraternity, Sorority or Dormitory group residential" means a space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family

group, in one room or in a series of closely associated rooms under joint occupancy and single management. Examples include college dormitories, and military barracks. A "fraternity" or "sorority" is a building used as group living quarters for students of a college or university, who are members of a fraternity or sorority recognized by the college or university.

**Group Residential, Patient Family Home.** "Patient family home group residential" means a residential facility for the temporary residence of families of patients under medical care with common kitchen, dining and living spaces, owned, operated, managed or supervised by a non-profit organization.

**Group Residential, Rooming House.** "Rooming house group residential" means building containing three or more rooming units not offering nursing or dietary care, therapy or counseling for its occupants.

**Group Residential, Shared Housing for Elderly.** "Shared housing for elderly group residential" means a residence for not more than ten adults, the majority of whom are 60 years of age or older, either cooperatively established by the residents or under the sponsorship of a non-profit organization; provided that the residents are living together as a family and are all capable of self-preservation without assistance in the event of an emergency

**Ground Passenger Transportation.** "Ground passenger transportation" means ~~(e.g. Taxi, Charter Bus).~~ Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/ operators, taxicab fleet operators, or taxicab organizations. This does not apply to publicly operated bus or mass transit systems.

## H

**Habitable Space.** "Habitable space" means the portion of a building that is suitable for human occupancy.

**Halfway House.** "Halfway House" means a congregate home for parolees, releasees, or prisoners otherwise released from a correctional institution that is licensed by the state division of parole and community services and operated by a private, nonprofit organization or a governmental agency that houses such persons during a part or for the entire period of the offender's or parolee's conditional release or of the releasee's term of post-release control.

**Height, Building.** "Building height" see Sec. 1703-11 to determine building height in a Use District and Sec. 1705-4.5 to determine building in a Form District means the vertical dimension as determined in § 1703-11.7.

~~**Height, Building.** "Building height" is measured from the established grade in the front of the lot or from the average natural grade at the building line, if higher, to the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof.~~

**Heliport.** See "Transportation, Heliport".

**Hillside Study.** "Hillside Study" means the report prepared by the City Planning Commission in 1969 for general public distribution; this study identified the 23 critical hillsides within the City of Cincinnati, their natural characteristics and general suitability for development.

**Historic Asset.** "Historic Asset" includes the following: (i) a Historic Structure within a Historic District; (ii) a Historic Landmark; or (iii) a Historic Site.

**Historic District.** "Historic District" means an identifiable area comprised of two or more parcels and containing two or more Historic Assets typical of one or more eras in the city's history, or representing an assemblage of structures important to the city's history that is designated as such pursuant to the provisions of this code.

**Historic Landmark.** "Historic Landmark" means a Historic Structure or Historic Structures located on a single parcel or contiguous parcels that is designated as such pursuant to the provisions of this code.

**Historic Significance.** "Historic Significance" means: (a) the attributes or characteristics of a district, site or structure that possess integrity of location, design, setting, materials, workmanship, feeling and association; (b) a district, site or structure that is associated with events that have made a contribution to the broad patterns of our history; (c) a district, site or structure that is associated with the lives of persons significant in the past; (d) a district, site or structure that embodies the distinctive characteristics of a type, period or method of construction; (e) a district, site or structure that represents a significant and distinguishable entity whose components may lack individual distinction; or (f) a district, site or structure that has yielded, or may be likely to yield, information important in prehistory or history.

**Historic Site.** "Historic Site" means real property on which a Historic Structure is located or on which there is no structure but that is itself of Historic Significance and that is designated as such pursuant to the provisions of this chapter.

**Historic Structure.** "Historic structure" means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- 4) Individually listed on the inventory of historic places maintained by the City of Cincinnati's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

**Home for Adjustment.** See "Transitional Housing".

**Home Occupation.** "Home occupation" means an accessory activity of a nonresidential nature that is performed within a dwelling unit by the occupant of the unit, limited to one occupation per unit. A home occupation has no external employees.

**Home Office.** "Home office" means a residential premises used for the transaction of business or the supply of professional services which employ up to three external employees. Home office shall be limited to the following: agent; architect; artist; broker; consultant; draftsman; dressmaker; engineer; interior decorator; lawyer; notary public; teacher; and other similar occupations, as determined by the Director.

**Hospital.** "Hospital" means a state-licensed facility providing medical, surgical, psychiatric or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.

**Hotel.** "Hotel" means a facility with six or more guest rooms or suites designed for transient habitation, where access to individual units is predominantly through a common lobby that may provide additional services, such as conference and meeting rooms, restaurants, bars or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended stay hotels and tourist courts; but does not include rooming houses, boarding houses or residential hotels that are used, designed or intended to be used for sleeping for a period of 30 consecutive days or longer.

**Household.** "Household" means ~~up to four persons unrelated to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or up to eight persons, other than foster parents and employees, living together in a foster home approved and regulated by the State of Ohio; a person living alone or two or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate housing, medical assistance housing, or social service housing.~~

uses (for a list of specific uses in those use categories, see the Permitted Use Table in Section 1703-9.3). For purposes of this Code, the following shall create a rebuttable presumption that the group is not a single housekeeping unit: Occupancy must comply with Housing Code Standards.

- 1) Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations.
- 2) Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord.
- 3) The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

## I

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**Identification Sign.** "Identification sign" means a sign for the purpose of identifying the name of a business.

**Illegal Use.** "Illegal use" means an activity or facility that is not a legal conforming or legal nonconforming use.

**Impairment, Physical or Mental.** "Impairment, physical or mental" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

**Improvement.** "Improvement" means the product of any modification to a lot, structure or building.

**Incidental.** "Incidental" means subordinate and minor in size and use and bearing an exclusive relationship with the primary use.

**Indoor Storage.** "Indoor storage" means a facility for the keeping of business, personal property and office records in a roofed building.

**Interior Lot.** "Interior lot" means a lot other than a corner lot.

**Interior Rowhouse Lot.** See "Lot, Interior Rowhouse."

**Interior Side Lot Line.** See "Lot Line, Interior Side".

## J

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**Juvenile Detention Facility.** "Juvenile detention facility" means a facility operated as a place for juvenile detention under the jurisdiction of the Court of Common Pleas, Juvenile Division of Hamilton County for children alleged or adjudicated as delinquent, unruly, dependent, neglected, abused or juvenile traffic offenders.

## K

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**Kitchen.** "Kitchen" means a room or part of a room that is designed, built, used or intended to be used for food preparation and dishwashing.

**KOPE.** "KOPE formation" means the shale bedrock that is overlaid by colluvium soils. (See § 1433-03-C2). The colluvium forms a deposit that is thin on the steeper, higher slopes and gradually becomes thicker near the bottom of the hill. Landslides may occur in the colluvium, because the colluvium is derived from the weathering of bedrock.

## L

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**Laboratory, Commercial.** "Commercial laboratory" means a facility for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services. Scientific research facilities are classified under "Research and Development".

**Landing.** "Landing" means a level area at the top or bottom of a staircase or between one flight of stairs and another.

**Landline Communications.** "Landline communications" means a system for the transmission of information by wire or fiber.

**Landscaping.** "Landscaping" means flowers, shrubs, trees or other decorative material of natural origin.

**Landslide Indicia.** "Landslide Indicia" means geographical contour information included in the Cincinnati Area Geographic Information System (CAGIS) that illustrates both the degree of slope (See definition for "Slope") as well as irregularities, the presence of which indicate existing or potential landslides. Primary examples of irregularities include:

- 1) A significant variation in the degree of slope within a given hillside, and
- 2) Very closely spaced contours, particularly near the bottom of a slope.

Either of these characteristics may indicate existing or dormant landslides. These characteristics, when combined with the soil type provide a basis for identifying hillsides where site-specific geotechnical investigations are needed.

**Landslide Susceptible Soils.** "Landslide Susceptible Soils" means a soil of any of the following types when found on slopes of 20 percent or steeper:

- 1) Bonnell Silt Loam
- 2) Casco Loam
- 3) Eden Silty Clay Loam
- 4) Hennepin Silt Loam
- 5) Markland Silty Clay Loam
- 6) Miamian-Hennepin Silt Loam
- 7) Pate Silty Clay Loam
- 8) Switzerland Silt Loam

**Landslide Susceptibility Study and Map.** "Landslide Susceptibility Study and Map" means the study and map prepared in 1980 by the consulting firm of Sowers and Dalrymple for the Department of Transportation and Engineering. This map, which divides the City of Cincinnati into four categories of landslide susceptibility, is also used to determine the need for further geotechnical investigation. Low, moderate, moderately high and high landslide susceptibility categories are used in the determination of HS overlay district boundaries.

**Laundries and Commissaries.** "Laundries and commissaries" means a facility for washing clothes, eating meals or snacks, or using equipment, and that is reserved for residents, employees or customers of the principal use.

**Life Care or Continuing Care Services Residential Care Facility.** "Life Care or Continuing Care Services Residential Care Facility" means an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, and that is licensed to provide skilled nursing care.

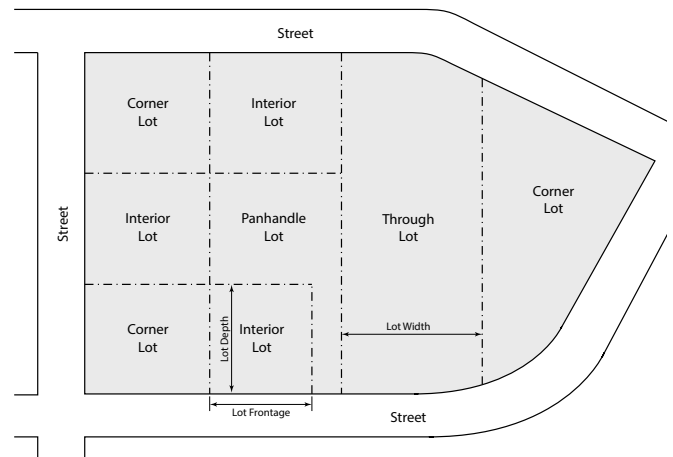
**Limited Use.** "Limited use" means a use **allowed permitted** in a zoning district subject to specific limitations and the restrictions applicable to that zoning district.

**Live/Work Unit.** "Live/work unit" means a unit where there is a dual primary use that is shared between a residential use and a commercial or production use allowed in that zoning district.

**Loading Dock(s).** "Loading dock(s)" means a platform where cargo from vehicles or trains can be loaded or unloaded.

**Loft Dwelling.** "Loft dwelling" means a dwelling unit which may contain a studio, gallery, office or business.

**Lot.** "Lot" means a unit of real property having boundaries established by the official county tax map.





**Lot Area.** "Lot area" means the total square footage or acreage contained within the lot line.

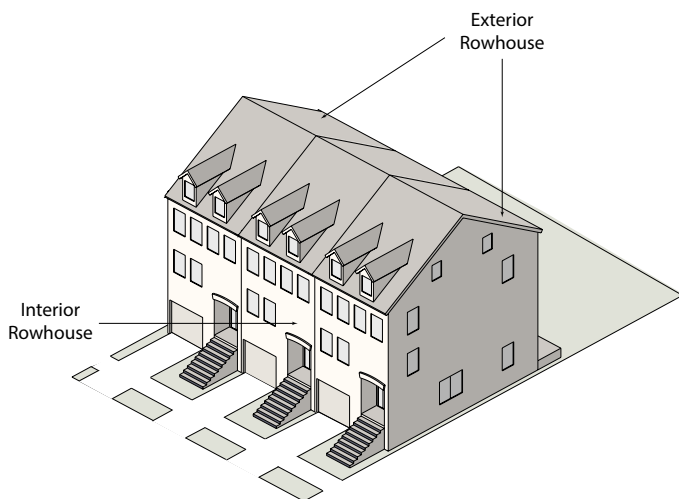
**Lot, Corner.** "Corner lot" means a lot with two frontage lines that intersect.

**Lot Coverage.** "Lot coverage" means the portion of a lot, expressed as a percentage, that is covered in buildings or other structures.

**Lot Depth.** "Lot depth" means the horizontal distance between the front lot line and rear lot line of a lot measured perpendicular to the front lot line.

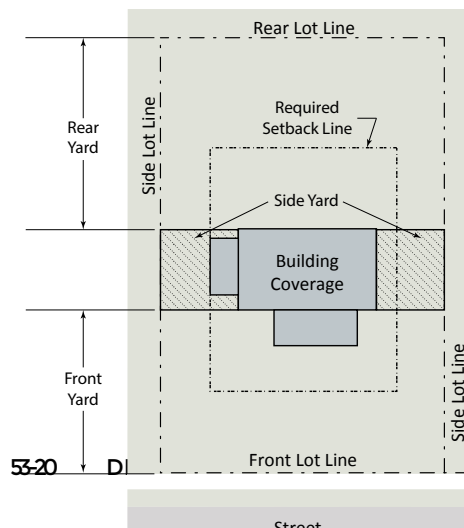
~~**Lot, Double-Frontage.** "Double-frontage lot" means an interior lot having frontage on more than one street.~~

**Lot, Interior Rowhouse.** "Interior rowhouse lot" means a lot that is or is intended to be a site for a single-family rowhouse with a similar rowhouse attached on each side.



**Lot, Interior Side Line.** "Interior side lot line" means a side lot line not abutting a street.

**Lot Line.** "Lot line" means the legal boundary of a parcel separating one lot from another.



**Lot Line, Front.** "Front lot line" means a lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line; provided that, where the length of a shorter street line is less than 90 percent of the length of the longer street line, the shorter street line is considered as the front lot line.

**Lot Line, Rear.** "Rear lot line" means a lot line opposite the front lot line. In the case of an irregular, or triangular lot, it means a line within the lot, ten feet long, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side.** "Side lot line" means a lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot Line, Street Side.** "Street side lot line" means a lot line dividing a lot from an abutting street, private way or alley way.

~~**Lot of Record.** "Lot of record" means a parcel of land that is in existence as of the effective date of this LDC or any amendment thereto or was shown on a preliminary plan of a subdivision approved by the City Planning Commission.~~

**Lot, Panhandle.** "Panhandle lot" means a lot whereon the portion of the lot between the building site and its frontage on a street is more than 60 feet in length and less than 30 feet in width at a point.

**Lot, Sub-Minimum.** "Sub-minimum lot" means a lot not complying with the lot area requirements of the district but with the provisions of [Sec. 1703-11.3.B](#); or a lot complying with the lot area requirements but not with the lot width requirements of the district.

**Lot, Through.** "Through lot" means a lot with two or more frontage lines that do not intersect.

**Lot, Vacant.** "Vacant lot" means a lot without a building or structure.

**Lot Width.** "Lot width" means the horizontal distance between the lot lines measured parallel to the front lot line.



**Low-Impact Manufacturing.** "Low-Impact Manufacturing" means the processing or fabrication of certain materials or products where the process involved will not produce light, noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties or compromise the quality of living.

## M

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**Main Body.** "Main body" means the primary massing of a building.

**Main Building.** "Main building" means the building that serves the focal point for all activities related to the principal use of the lot.

**Main Facade.** "Main facade" means the front facade of a main building.

**Maintenance and Repair Service.** "Maintenance and repair service" means an establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture and leather goods. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

**Major.** "Major" means having a greater size, scope, effect, characteristic or quality relative to the other corresponding sizes, scopes, effects, characteristics or qualities; or being the greater of two or more.

~~**Manufactured Home.** "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of Chapter 1109 CBC, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code. For the purpose of this code, a manufactured home shall be considered a single family detached dwelling.~~

~~**Manufactured Home Park.** "Manufactured home park", as specified in the Ohio Administrative Code 3701-27-01, means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.~~

**Marina.** "Marina" means a facility for launching, mooring, berthing, storing or securing watercraft for primarily recreational use. A marina provides services to recreational watercraft and occupants thereof, including sanitary and other minor servicing and repair to watercraft while in the water and the sale of fuel and supplies. A marina may provide food, lodging, goods, beverages, recreation and entertainment as accessory uses. This classification includes public docks, yacht clubs, boat clubs and boatels.

**Marine Sales and Service.** "Marine sales and service" means an establishment engaged in the sale and service of marine equipment, boats and recreational watercraft and accessory parts and supplies.

**Market Shop/Open Market.** "Market shop/open market" means a structure or place where agricultural products or consumer goods are brought by individual producers for the purposes of retail sales. The structure from which produce is sold need not be portable or capable of being dismantled or removed from the site. This includes farmers markets or flea markets.

**Marquee.** A "Marquee" is a permanent roofed structure attached to and supported by the building and projects over public property/right-of-way. A marquee is constructed of a durable material such as glass or metal and is designed to accept signage and to provide protection from the elements. Marquees are not awnings or canopies.

**Massing.** "Massing" means the overall shape or arrangement of the bulk or volume of buildings and structures.

**Media Production.** "Media production" means establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, music and sound recordings. This includes specialized motion picture or video post-production services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, post-production facilities, teleproduction services, and sound recording studios.

**Medical Office or Clinic.** "Medical office or clinic" means a facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices -Professional/Administrative." Patients are not provided with room and board and are not kept overnight on the premises. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.

**Meeting Facility.** "Meeting facility" means a facility for public or private meetings, including, but not limited to: recreational, or social facility of a private or nonprofit organization or public institution primarily for use by members or guests including residential accommodations that are available to members or guests on a temporary basis but excluding residential hotels. This classification includes union halls and social clubs or lodges.

**Metal Waste Salvage Yard, Junk Yard.** "Metal waste salvage yard" and "junk yard" means an establishment for the storage and dismantling of vehicles and equipment for sale of parts, as well as the collection, storage, exchange or sale of goods including, but not limited to, any used building material, used containers or steel drums and similar or related articles or property.

**Mini Warehouse.** See "Indoor Storage".

**Mining and Quarrying.** "Mining" and "quarrying" means the extraction of metallic and nonmetallic minerals, including sand and gravel pit operations.

~~**Minor.** "Minor" means the overall shape or arrangement of the bulk or volume of buildings and structures.~~

**Mixed Use.** "Mixed use" means a building or defined area in which multiple uses may establish.

**Motorway.** "Motorway" means a principal arterial route designated on the Thoroughfare Plan as an expressway, modified expressway or thoroughfare.

**Multi-Family Dwelling.** "Multi-family dwelling" means a building or portion thereof containing more than three dwelling units that cannot be classified as a multiple single family dwelling.

**Mural.** See "Sign, Mural".

## N

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~~**National Flood Insurance Program (NFIP).** "National Flood Insurance Program" means a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the~~

~~Federal government will make flood insurance available within the community as a financial protection against flood loss.~~

**Neighborhood Center.** "Neighborhood center" means a development that provides a mix of civic, institutional and/or commercial uses.

**New Construction.** "New construction" means new development, ~~new use or new alterations~~ in which permits were filed for on or after the effective date of this Code.

**New Development.** "New development" means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or any mining, excavation, landfill, or land disturbance or any use or extension of the use of land which did not exist prior to the effective date of this Code.

**Non-Contributing Structure.** A "Non-Contributing Structure" is a structure located within a Historic District or Historic Site, or that is associated with a Historic Landmark, that does not have Historic Significance.

**Noncomplying Structure.** "Noncomplying structure" means a structure that was lawfully erected but that does not comply with the currently applicable requirements and standards prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this ordinance.

**Nonconformity .** "Nonconformity" means a use of a structure or land that was lawfully established and maintained, but that does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this ordinance

**Nonstore Retailers.** "Nonstore retailers" means Establishments that retail merchandise through on-line, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). Examples include mail order houses, vending machine operators, home delivery

sales, door-to-door sales, party plan sales, electronic shopping, and sales through portable stalls (e.g., street vendors).

**Nursing Home.** "Nursing home" means an institution, residence or facility licensed by the State of Ohio that provides accommodation, personal assistance and skilled nursing care to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment.

## O

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**Office, General.** "General office" means a facility for a firm or organization that primarily provides professional, executive, management or administrative services, such as accounting, advertising, architectural, city planning, computer software consulting, data management, engineering, medical, dental, chiropractors, or other health care professionals, environmental analysis, insurance, interior design, investment, graphic design, landscape design, law and real estate offices, drafting and recording studios. It excludes medical offices with more than two licensed health care professionals (see §1401-01-M3 Medical Services and Clinics), banks and savings and loan associations and offices that are incidental to retail, production, storage or other activities.

**Office Uses.** "Office uses" includes space in the building that houses the principal use or a detached building on the same lot, which is used for management, operations, or administrative functions associated with that use.

**Off-Site Sign.** "Off-Site Sign" means a sign directing attention to a business, commodity, service, person, or entertainment conducted, sold or offered elsewhere than on the premises where the sign is maintained, including an Outdoor Advertising Sign as defined and regulated in Chapter 895 of the Cincinnati Municipal Code.

**Off-Street Loading.** "Off-street loading" means an off-street space for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Oil and Gas Warehousing and Storage.** "Oil and gas warehousing and storage" means a tank farm or outdoor facility for the storage of oil and gas. '

**Opacity.** "Opacity" means the measurement of the screening effectiveness, particularly the amount of light which passes through the screening material.

**Open Space.** "Open space" means the yard or the area between two buildings or between a building and the boundary line of a parcel.

- 1) "Common open space" means an open area within a development reserved for the exclusive use for occupants of the development and their guests.
- 2) "Private open space" means an open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Open Zone.** "Open zone" means a sub-zone within a transect zone that allows for a greater range of land uses without relaxing the building form standards of the zone.

**Outdoor Entertainment.** "Outdoor entertainment" means the provision of television or musical, theatrical, dance, cabaret, or comedy act performed by one or more persons either electronically amplified or not and/or any form of dancing by patrons and guests outside of the principal building on a deck or patio.

**Outside-Outdoor Equipment Storage Area.**

"Outdoor equipment storage area" includes an open, unenclosed area to store large equipment such as trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

**Outdoor Storage.** "Outdoor storage" means the keeping of commercial goods, equipment and raw materials in an open lot.

**Overhead Door.** "Overhead door" means a door constructed in horizontally hinged sections that are equipped with hardware that rolls the sections into an overhead position clear of the opening.

## P

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**Panhandle Lot.** See "Lot, Panhandle"

**Parabolic Antenna.** "Parabolic antenna" means a bowl-shaped device also known as a dish antenna for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

**Parapet.** "Parapet" means low wall along the edge of a roof or the portion of a wall that extends above the roof line.

**Parcel.** See "Lot".

**Park and Recreation Facility.** "Park" and "recreation facility" means a park, playground, recreation facility and open space. This classification includes community centers, playing fields, courts, gymnasiums, swimming pools, wave pools, spraygrounds, picnic facilities, golf courses and country clubs, zoos and botanical gardens, as well as related food concessions.

**Parking Driveway Width.** "Parking driveway width" means the horizontal dimension, measured perpendicular to the direction of travel, of a driveway.

**Parking Facility, Accessory Use.** "Accessory Use Parking facility" means a parking lot or a parking garage offering parking to the public and except as other specified, incidental to a principal structure or use on the same lot.

**Parking Facility, Principal Use.** "Principal Use Parking facility" means a parking lot or a parking garage offering parking to the public and is the principal use of the premises.

**Parking Facility, Public or Private.** "Public or private parking facility" means parking lots or structures operated by the City or a private entity providing parking either for free or for a fee. Does not include towing, impound and storage facilities.

**Parking Garage.** "Parking garage" means a multi-level structure built either above or below grade providing off-street parking for motorized vehicles.

**Parking Lot.** "Parking lot" means a surface lot that provides off-street parking for motorized vehicles, other than an automobile holding facility.

**Parking Space.** "Parking space" means a permanently surfaced area in a parking facility for the parking of a motor vehicle.

**Parking Space, Tandem.** "Tandem parking space" means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space that can only be accessed by driving across another space is called a dependent parking space. A space that can be accessed without driving across another space is called an independent parking space.

**Path of Travel.** "Path of travel" means a continuous, unobstructed pedestrian way.

**Patient Family Home.** "Patient family home" means a residential facility for the temporary residence of families of patients under medical care with common kitchen, dining and living spaces, owned, operated, managed or supervised by a non-profit organization. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

**Payday Loan/Alternative Financial Services.** "Payday loan/alternative financial services" means a financial establishment other than a State or Federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee. Specifically included are "payday loan" businesses that make loans upon assignments of wages received, businesses that charge a percentage fee for cashing a check or negotiable instrument, or businesses that function as deferred presentment services.

**Pedestrian Shed.** "Pedestrian shed" means an area centered on a major destination. Its size is measured by the average distance that may be traveled at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are useful for planning walkable areas.

**Permanent Supportive Housing.** "Permanent Supportive Housing" means housing where the occupants are capable of living independently, but where programs or services are provided on site to support them in obtaining and improving life skills and employment opportunities that promote independent living.

**Allowed Permitted Use.** " ~~Allowed Permitted~~ use" means uses that are permitted by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for use permits or minor use permits.

**Permitted Use.** ~~"Permitted use" means a use permitted in a zoning district and subject to the restrictions applicable to that zoning district. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Person.** "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

**Personal Instructional Service.** "Personal instruction service" means the provision of instructional services including: tutoring and exam preparation, language, photography, fine arts, crafts, dance or music studios, art studios, driving schools, vocation and trade schools (not including automotive repair), diet centers, beauty schools/reducing salons, martial arts, yoga and workout studios. This includes incidental retail sales.

**Personal Service.** "Personal service" means establishments that provide non-medical services to individuals as a primary use. Examples of these uses include, but are not limited to: barber and beauty shops; clothing rental; dry cleaning pick-up stores with limited equipment; home electronics and small appliance repair; laundromats (self-service laundries); locksmiths; massage (licensed, therapeutic, non-sexual); nail salons; pet grooming with no boarding; shoe repair shops; tailors; and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Planned Development.** "Planned development" means a large, integrated development adhering to a comprehensive site plan and located on a single site.

**Planting Strip.** "Planting strip" means a landscaped or grassy area located between a street and a sidewalk.

~~**Plat of Subdivision.** "Plat of subdivision" means a map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording.~~

**Podium.** "Podium" means a continuous projecting base or pedestal under a building.

**Podium Tops.** "Podium tops" means a flat, elevated and open area above a podium that can be used as a common area.

**Porch.** "Porch" means a covered shelter projecting in front of the entrance of a building.

**Portable Storage Container.** "Portable storage container" means any container designed for the storage of personal property of a non-hazardous nature which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

**Pre-Development Grade.** "Pre-development grade" means the grade of a lot prior to any site improvements related to the proposed development.

**Preexisting.** "Preexisting" means in existence prior to the effective date of this zoning code or amendments thereto (as in nonconforming use).

**Presumable Curb.** "Presumable curb" means the point at which the paved area of a street with no curb ends.

**Primary Structure.** "Primary structure" means the main structure on a lot, containing a residential, commercial, office or industrial use.

**Printing and Publishing.** "Printing and publishing" means printing by letterpress, lithography, gravure, screen, off set, or electrostatic (xerographic) copying and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals and establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Principal Structure.** "Principal structure" means a building or other facility that is designed for or occupied by a principal use.

**Principal Use.** "Principal use" means a use that is the primary function of land or structures.

**Private Vehicular Storage Lot.** "Private vehicular storage lot" means a lot used for the purpose of storing vehicles that were illegally parked.

**Production.** "Production" means a category of uses that includes:

- 1) **Artisan.** Establishments primarily engaged in on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale equipment.
- 2) **General.** Manufacturing of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes: food, beverage and tobacco product manufacturing; textiles, apparel, leather and allied products, wood products, paper, chemicals, plastics, rubber, nonmetallic mineral products, fabricated metal products, and transportation equipment. This does not include any activity listed under Intensive High Impact Production.
- 3) **Intensive high impact.** Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.
- 4) **Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials. This classification includes: printing and related support activities; machinery manufacturing, food manufacturing, computer and electronic product manufacturing; electrical equipment,



appliance, component manufacturing, furniture and related product manufacturing; and other uses as determined by the Director

**Property.** See "Lot".

**Protective Covenant.** "Protective covenant" means a restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development.

**Public Improvements.** "Public improvements" means any of the following: roadway pavement, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers and other appurtenant construction as related to the Subdivision Improvement Plan.

**Public Maintenance Facility.** "Public maintenance facility" means a governmentally owned facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes governmentally owned construction yards, equipment service centers and similar facilities.

**Public Safety Facility.** "Public safety facility" means a facility for public safety and emergency services, including police and fire protection and police and fire training facilities.

**Public Use.** "Public use" means a use owned or operated by a public agency.

**Public Utility Distribution System.** "Public utility distribution system" means a facility for the distribution of gas, electricity, water, steam, hot water, chilled water and landline communications.

**Public Utility Maintenance Yard.** "Public utility maintenance yard" means a building, other structure, or open area used by a public utility for the storage, maintenance or repair of materials and equipment or vehicle parking.

**Public Utility Plant.** "Public utility plant" means a building or other structure for water supply or wastewater treatment or the production of electricity, steam, hot water or chilled water for consumption by the general public.

## Q

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**No Definitions for "Q".**

## R

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**Railroad, right-of-way.** See "Transportation, railroad right-of-way".

**Railroad, train yard.** See "Transportation, railroad train yard".

**Rear.** "Rear" means opposite of front.

**Rear Lot Line.** See "Lot Line, Rear".

**Rear Yard.** "Rear yard" means the area of a lot extending across the full width of the lot and measured between the building and the rear lot line.

**Recessed Entryway.** "Recessed entryway" means an entrance to a building setback from the facade of the building.

**Recreation, Active.** "Active recreation" means recreational pursuits, usually performed with others and oft en requiring equipment, that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, sport courts, baseball/soft ball and other field sports, and swimming pools.

**Recreation, Passive.** "Passive recreation" means recreational pursuits involving existing natural resources that can be carried out with little alteration or disruption to the area in which they are performed. This includes, but is not limited to, such activities as walking, hiking, bicycling, bird and animal watching, and picnicking.

**Recreation and Entertainment.** "Recreation and entertainment" means the provision of recreation or entertainment to paying participants or spectators. Recreation and entertainment uses may be either:

- 1) Outdoor or large-scale recreation and entertainment. This classification includes large, generally outdoor facilities, including: sports stadiums and arenas; amusement and theme parks; racetracks; driving ranges; swimming or wave pools;



entertainment complexes; movie theaters (4 or more screens); drive-in theaters; archery or shooting ranges; riding stables; campgrounds; recreational vehicle parks; etc.

- 2) Indoor or small-scale recreation and entertainment. This classification includes small, generally indoor facilities, although some facilities may be outdoor, including: fitness centers, gymnasiums, handball, racquetball or tennis club facilities, ice or roller skating rinks, movie theaters (three or fewer screens); bingo parlors, billiard parlors, bowling centers, poolrooms, miniature golf courses and amusement arcades.

**Recreational Facility, Indoor.** "Indoor recreational facility" means small, generally indoor facilities, although some facilities may be outdoor, including: fitness centers, gymnasiums, handball, racquetball or tennis club facilities, ice or roller skating rinks, movie theaters (three or fewer screens); bingo parlors, billiard parlors, bowling centers, poolrooms, miniature golf courses and amusement arcades.

**Recreational Facility, Outdoor or Large scale.**

"Outdoor or large scale recreational facility" means large, generally outdoor facilities, including: sports stadiums and arenas; amusement and theme parks; racetracks; driving ranges; swimming or wave pools; entertainment complexes; movie theaters (4 or more screens); drive-in theaters; archery or shooting ranges; riding stables; campgrounds; recreational vehicle parks; miniature golf; golf courses and country clubs, etc.

**Recreational Vehicle.** "Recreational vehicle" means a mobile vehicle, either self-propelled or towed, that is used for temporary periods of human habitation.

**Recreational Vehicle Park.** "Recreational vehicle park" means a site or tract of land with a minimum of five acres on which two or more recreational vehicles or tents are parked or erected and including any roadway, drainage sewer system, water supply or electric system used or intended for use as a part of the facilities of such recreational vehicle park and as regulated by the Board of Health of Cincinnati. Such facility may not be used for the sale and/or servicing of recreational vehicles.

**Recycling Container.** "Recycling container" means a bin or container for the storage of recyclable materials.

~~**Recycling Enclosure.** "Recycling enclosure" means a space allocated for collecting and loading recyclable materials, capable of accommodating containers for recycling materials. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Reentry Center.** See "Halfway house."

**Registered Professional Architect.** "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

**Registered Professional Engineer.** "Registered Professional Engineer" means a person registered as a professional engineer under Chapter 4733 of the Revised Code.

**Registered Professional Surveyor.** "Registered Professional Surveyor" means a person registered as a professional surveyor under Chapter 4733 of the Revised Code.

~~**Regulatory Floodway.** "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot.~~

**Religious Accessory Housing.** "Religious accessory housing" means a dwelling unit that is accessory to a religious assembly, and that is attached to the building that houses the religious assembly or is on the same lot.

**Religious Assembly.** "Religious assembly" means an establishment for religious worship and other religious ceremonies, including religious education, rectories and parsonages, offices, social services, columbaria and community programs.

**Research and Development.** "Research and development" means an establishment primarily engaged in the research, development and controlled production of high technology electronic, industrial

or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components.

**Residential.** "Residential" means a premises used primarily for human habitation.

**Residential Care Facility.** "Residential care facility" means an establishment operated for the purpose of providing special care or rehabilitation to the occupants, including the following:

- 1) Assisted living. See "Assisted Living".
- 2) Developmental disability dwelling. See "Development Disability Dwelling".
- 3) Nursing home. See "Nursing Home".

**Residential District.** "Residential district" means a district denoted by the letters SF or RM.

**Restaurant, Full Service.** See "Eating and Drinking Establishment".

**Restaurant, Limited.** See "Eating and Drinking Establishment".

**Retail General.** "General Retail " means an establishment engaged in sales of goods, including, but not limited to: alcoholic beverage sales, furniture and home furnishings, electronics and appliances, clothing and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationary, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

**Right-Of-Way.** "Right-of-way" means the entire strip of land lying between the property line of a street, alley, cross walkway or easement.

**Right-Of-Way, Public.** "Public right-of-way" is a right-of-way dedicated to use by the general public.

**Riparian/Buffer Zone.** ~~"Riparian/Buffer Zone" means that land that is traversed or bounded by a natural watercourse or adjoining tidal lands.~~ "Riparian/Buffer Zone" means the vegetated area along both sides of water bodies and wetlands that generally consist of

trees, shrubs and grasses. Riparian buffer zones act as buffers to protect surface waters from contamination and are habitats for a large variety of animals and birds.

**Rivers and Harbors Act of 1899.** "Rivers and Harbors Act of 1899" means the federal law codified at 33 U.S.C § 401 et seq.

**Roadway.** "Roadway" means the portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**Rooming House.** "Rooming house" means a building containing three or more rooming units not offering nursing or dietary care, therapy or counseling for its occupants. (See also "Rooming Unit")

**Rooming Unit.** "Rooming unit" means a room available for rental occupancy for periods of seven days or longer but not equipped with a kitchen facility so as to constitute a dwelling unit.

**Rowhouse Dwelling.** "Rowhouse Dwelling" means a building containing two or more single-family rowhouses, each rowhouse being separated from the adjoining rowhouse by fire resistive walls without openings and each rowhouse having independent access to the exterior of the building in the ground story.

**Rowhouse, Single-Family.** "Single-family rowhouse" means a dwelling unit on its own lot that is part of a rowhouse building.

## S

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**Satellite Dish Antenna.** "Satellite dish antenna" means a parabolic or spherical antenna whose purpose is to receive and transmit radio communication signals to and from satellites.

**School, Public or Private.** "Public or private school" means a facility for educational purposes that offers a general course of study at primary, middle, high school levels and vocational and trade programs that are incidental to the operation of such schools.

**Screening.** "Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**Secondary Wings.** "Secondary wings" means a structure physically attached to, and secondary and incidental to, the main body of a main building.

**Section 401 Permit.** "Section 401 permit" means a permit issued under Section 401 of the Clean Water Act.

**Section 404 Permit.** "Section 404 permit" means a permit issued under Section 404 of the Clean Water Act.

**Semi-Public Use.** "Semi-public use" means a use owned or operated by a non-profit agency, private institution or foundation. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Semi-Public Utility Building.** "Semi-public utility building" means a building owned or operated by a non-profit organization, private institution or foundation, and used to provide utility services to its members or those persons it serves.

**Setback.** "Setback" means the mandatory clear distance between a lot line and a structure.

**Setback Line.** "Setback line" means the line that is the required minimum distance from any property line and that establishes the area within which the principal structure must be erected or placed (See also Figure in "Lot Line").

**Sexually Oriented Business.** "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio or sexual establishment as further defined in Chapter 899 of the Municipal Code.

**Shared Housing for Elderly.** "Shared housing for elderly" means a residence for not more than ten adults, the majority of whom are 60 years of age or older, either cooperatively established by the residents or under the sponsorship of a non-profit organization; provided that the residents are living together as a family and are all capable of self-preservation without assistance in the event of an emergency.

**Shared Parking.** "Shared parking" means parking spaces assigned to two or more users, who are unlikely to need the spaces at the same time of day.

**Shopping Center.** "Shopping center" means a group of buildings and accessory space devoted to permitted uses under one ownership with separate establishments rented or leased, having common parking facilities for all establishments, with no lot lines drawn between establishments.

**Side Lot Line.** See "Lot Line, Side".

**Side Yard.** "Side yard" means the area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.

**Sidewalk.** "Sidewalk" means the portion of a street between the curb line, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians and all elevated public walkway systems and concourses in both public right-of-way and private easements, and all vertical means of access and egress including, but not limited to, stairways, escalators and elevators.

**Sign.** "Sign" means a structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. A list of sign types is set forth in ~~Subsection 1703-5.80 and~~ Sec. 1711-3.5 Signs.

**Silo.** "Silo" means an above ground structure used to store grain.

**Single-Family Dwelling.** See "Dwelling, Single Family."

**Site.** "Site" means a lot or group of lots that is proposed for development in accord with the provisions of this Code and is in a single ownership or under unified control. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Slope.** "Slope" means the inclination of the land surface from the horizontal. Percentage of slope is the vertical distance divided by horizontal distance, and then multiplied by 100. Thus, a slope of 20% is a rise of 20 feet in 100 feet of horizontal distance.

**Small Scale Specialized Incinerator.** "Small scale specialized incinerator" means an enclosed device using controlled flame combustion to thermally break down waste generated on-site, and is accessory to hospitals, clinics, medical laboratories, and facilities for scientific research, development or testing.

**Social Assistance, Welfare and Charitable Services.**

"Social assistance, welfare and charitable services" means establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and, developmental disabilities), family welfare services, suicide crisis centers, hotline centers, telephone counseling services, community food services (includes collection, preparation, and delivery of food, clothing and blankets for needy persons). These services do not include

residential or accommodation services, temporary shelters or community housing (classified separately under Transitional Housing).

**Special Assistance Shelter.** "Special assistance shelter" means a facility for the short-term housing for individuals who are homeless and who may require special services.

**Special Flood Hazard Area (SFHA).** "Special Flood Hazard Area" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**Start of Construction.** "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration

of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**Storage, Outdoor.** "Outdoor storage" means the storage of materials outside of a structure other than fencing, either as an accessory or primary use.

**Storage, Refuse.** "Refuse storage" means containers or bins that are used to drop off or store recycled goods, cans and bottles, or clothing for recycling or reuse.

**Storage, Personal Storage/Mini-Warehouse.** "Personal storage/Mini-Warehouse Storage" means structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage and Warehouse.** "Storage and warehouse" means a building primarily used for the keeping or storage of goods and materials.

**Storefront.** "Storefront" means the portion of a building frontage comprised of the display window or entrance and its components including windows, doors, transoms and sill pane that accommodates retail users.

**Stormwater.** "Stormwater" means any surface flow, runoff, and drainage resulting from a precipitation event consisting entirely of water from any form of natural precipitation, including snow melt.

**Story.** "Story" means a habitable floor level within a building that is above grade.

**Story, Half.** "Half story" means a habitable space that rests primarily underneath the slope of the roof, usually having dormer windows.

**Street.** "Street" means a public or private right-of-way 21 feet or more in width whose primary function is to furnish the chief means or access to properties abutting it.

**Street, Front.** "~~Front Street~~ Street, Front" means the street located along the front lot line of a parcel.

**Street, Important Neighborhood.** "Important neighborhood street" means a street designed to serve as an important traffic-way for a neighborhood, or as

a feeder to a thoroughfare. The determination of such street classification in any specific instance shall rest with the City Planning Commission.

**Street, Minor.** "Minor street" means any street other than a freeway, expressway, thoroughfare, or important neighborhood street.

**Street, Side.** "Side street" means the street located along a lot line of a parcel that is not along the front or rear lot lines.

**Street Side Lot Line.** See "Lot Line, Street Side".

**Streetcar.** "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway (O.R.C. §4511.01(R)).

**Structure.** "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground.

**Studio, Art, Music, Dance.** "Art, music, dance studio" means small-scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

**Sub-Minimum Lot.** See "Lot, Minimum".

**Subdivision.** "Subdivision", as defined in Section 711.01 of the Ohio Revised Code, means:

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of

access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

- 2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the divisions or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public utilities.

**Subdivision Improvement Plan.** "Subdivision improvement plan" means a drawing showing a proposed subdivision of land together with the public improvements that are to be installed therein. Such drawing is not recordable.

**Substantial Damage.** "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- 1) Any improvement to a structure that is considered "new construction";
- 2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a

development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- 3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

**Substantially Limits.** "Substantially limits" means the limitation is "significant" or "to a large degree" and the term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking. The foregoing list of major life activities is not exhaustive, and the Director has the discretion to consider other activities to be major life activities for purposes of granting reasonable accommodations.

**Substitution.** "Substitution" means the replacement of an existing use by a new use, or a change in the nature of an existing use. It does not include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

## T

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**Tandem Parking.** "Tandem parking" means a parking space deep enough to allow two cars to park one behind the other.

**Thoroughfare.** "Thoroughfare" means a way for use by vehicular, pedestrian, and bicycle traffic that provides access to lots and open spaces, and incorporates vehicular lanes and public frontages.

**Three-Family Dwelling.** "See "Dwelling, Three-Family."

**Toe of Slope.** ~~"Toe of slope" means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade. On compound slopes where there may be more than one possible toe location, the controlling point shall be whichever toe location provides the greater hill area.~~



**Top-of Slope.** "Top-of slope" means the point where the ground surface abruptly changes to a significantly flatter grade.

**Top-of Stream Bank.** "Top-of Stream Bank" means the ordinary high water mark of a stream, also known as the bankfull depth of the stream channel. The top-of stream bank may be field located by a topographic break at the top of bank location (the point where the ground surface abruptly changes to a significantly flatter grade).

**Towing and Other Road Ground Services.** "Towing and other road ground services" means establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services.

**Transect.** "Transect" means a cross-section of the environment showing a range of different habitats. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism.

**Transect Zone.** "Transect zone" means a designated area governed by the regulations set forth in Chapter 1703, Form Based Districts.

**Transit Station.** "Transit station" means a lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. It may include parking facilities and other commercial amenities to service transit passengers.

**Transit Stop.** "Transit stop" means a location where public transportation vehicles stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

**Transitional Supportive Housing.** "Transitional supportive housing" means housing where the occupants are not currently capable of living independently and where programs or services of therapy, counseling or training are integrated into the housing to assist persons in obtaining skills necessary to be able to live independently in permanent housing.

**Transitional Housing.** "Transitional housing" means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:

- 1) An organization provides a program of therapy, counseling or training for the residential occupants;
- 2) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and
- 3) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:
  - a) Protection from abuse and neglect;
  - b) Developing skills necessary to adjust to life;
  - c) Adjusting to living with the handicaps of physical disability;
  - d) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;
  - e) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or
  - f) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs. (Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

**Transportation Facility.** "Transportation facility" means a category of uses including:

- 1) **Airports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage buildings, public terminal buildings and parking, helicopter pads and support activities such as airport operations and air traffic control.
- 2) **Heliports.** Facilities intended solely for takeoff and landing of helicopters.
- 3) **Railroad, right-of-way.** Railroad land used for through tracks. Railroad, train yard uses are prohibited.



- 4) **Railroad, train yard.** Railroad areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.
- 5) **Transportation passenger terminal.** Facilities for passenger transportation operations, holding facilities and maintenance operations, which includes rail stations, bus terminals, urban and regional transit stations and scenic and sightseeing facilities, but does not include airports and heliports. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a- Ord. No. 0051-2008, § 1, eff. March 13, 2008)~~

**Truck Terminal and Warehouse.** "Truck terminal and warehouse" means a facility for the storage of commercial goods within an enclosed building for distribution by truck. This includes bulk mail handling facilities.

**Two-Family Dwelling.** "Two-family dwelling" means a single building that contains two dwelling units.

## U

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**Unit.** "Unit" means a discrete portion of a building.

**Use.** "Use" means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained. For the purposes of this Land Development Code, there shall be three types of uses:

- 1) **Accessory Use.** See "Accessory Use".
- 2) **Conditional Use.** See "Conditional Use".
- 3) **Principal Use.** See "Principal Use".

**Use Permit.** "Use Permit" means a permit issued by the Planning Commission for conditional uses ~~allowed~~ **permitted** within a transect zone.

**Use Permit, Minor.** See Sec. 1705-7.6. ~~"Minor Use Permit".~~

**Utilities.** "Utilities" means installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground;

utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

**Utility Line.** "Utility line" means a facility used for the transmission of one or more utility services.

## V

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**Vacant Lot.** See "Lot, Vacant".

**Variance.** "Variance" means a grant of relief from the standards of Chapter 1751, Administration, consistent with the variance provisions therein.

**Vehicle and Equipment Sales and Rental.** "Vehicle and equipment sales and rental" means a facility for the sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes and RV's, boats and similar equipment, including storage and incidental maintenance. ~~(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)~~

**Vehicle and Equipment Services.** "Vehicle and equipment services" means a facility for:

- 1) **Vehicle and equipment sales and rental.** See "Vehicle and Equipment Services".
- 2) **Car wash.** See "Car Wash".
- 3) **Fuel sales.** See "Fuel Sales".
- 4) **Vehicle repair.** See "Vehicle Repair".
- 5) **Automobile holding facility.** See "Automobile Holding Facility".
- 6) **Vehicle repair, heavy.** See "Vehicle Repair, Heavy".

**Vehicle Repair.** "Vehicle repair" means an establishment engaged in repair of automobiles, trucks, motorcycles, motor homes or recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts including quick-service oil, tire sales and installation, tune-up, brake and muffler shops. This classification includes auto repair shops, body and fender shops and upholstery shops, but

excludes vehicle dismantling or salvage and tire re-treading or recapping, towing or repair of heavy trucks or construction vehicles.

**Vehicle Service Station.** "Vehicle service station" means a building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises and car washing; and where repair services is incidental to the use.

**Vending Machine.** "Vending machine" means a self-service container, structure, storage unit or other device for dispensing consumable food products and goods. This definition excludes newsracks of publications and printed material.

**Veterinary Services.** "Veterinary services" are licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, animal surgery, or testing services for licensed veterinary practitioners. Examples include animal hospitals, veterinary clinics, veterinarians' offices, and veterinary testing laboratories.

**Violation.** "Violation" means the failure of a structure or development to be fully compliant with the rules and regulations of this Land Development Code.

**Visitability.** "Visitability" means a very basic level of accessibility that enables persons with disabilities to visit friends, relatives, and neighbors in their homes by providing at least one accessible means of egress/ingress for each residential unit.

## W

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**Walkable Neighborhood Plan (WNP).** "Walkable Neighborhood Plan" means a strategy for creating and reinforcing walkable urban environments with a mix of housing, civic, retail and service choices within a compact, walkable, and transit-ready environment.

**Walkway.** "Walkway" means a private paved pedestrian way located on one or more lots.

**Wall Plane.** "Wall plane" means a vertical surface defined by the façade of buildings.

**Warehousing and Storage.** "Warehousing and storage" means a facility for the storage and distribution of personal property without sales to the public, including:

- 1) **Contractor's storage.** See "Contractor's Storage".
- 2) **Indoor storage.** See "Indoor Storage".
- 3) **Oil and gas storage.** See "Oil and Gas Storage".
- 4) **Outdoor storage.** See "Outdoor Storage".

**Waste Management.** "Waste management" means any of the following:

- 1) **Waste collection.** Facilities where waste material, other than hazardous or infectious waste, is received and temporarily stored in closed containers without processing or disposition, including but not limited to: recycling drop-off point, yard waste depot, charitable drive box and other similar uses limited in volume and means of storage and posing no nuisance by reason of odor, noise, runoff, underground seepage or unsightly conditions.
- 2) **Waste disposal.** Facilities where waste material, including hazardous or infectious waste, is incinerated, land filled or put to other final disposition.
- 3) **Waste transfer.** Facilities where waste material, other than hazardous or infectious waste, is received and processed for transportation to another place for recycling, re-use, incineration or final disposal, including but not limited to: biological treatment facility, composting yard, resource recovery facility, recycling center, buy-back center, tire shredding facility, tire recycling facility, refuse-derived fuel manufacturing facility, transfer station and other similar uses, limited by the volume and type of material processed, or the characteristics of the equipment or methods used to process the waste material.

**Watercourse.** "Watercourse" means the channel through which a flow of water occurs, either continuously or intermittently.

**Watercraft and Riverfront Facility.** "Watercraft and riverfront facility" includes any of the following:

- 1) **Barge terminal.** See "Barge Terminal".
- 2) **Boat and ship yards.** See "Boat and Ship Yards".
- 3) **Commercial pier and port.** See "Commercial Pier and Port".
- 4) **Marina.** See "Marina".
- 5) **Marine sales and service.** See "Marine Sales and Service"

**Wetlands.** "Wetlands" means those area that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in water-saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**Wholesale and Distribution.** "Wholesale and distribution" means a facility for storage and wholesale distribution of merchandise and bulk goods and non-retail store sales, including electronic shopping, mail-order houses and other direct-selling establishments. This use classification excludes retail sale of goods at discount prices for individual consumption.

**Width-to-Height Ratio.** "Width-to-height ratio" means the ratio of the horizontal size of a space measured perpendicularly to the vertical height of a building.

**Wireless Communication Antenna.** "Wireless communication antenna" means an antenna designed to transmit or receive communications as authorized by the Federal Communication Commission, excluding amateur radio operator antennae and parabolic antennae.

**Wireless Communication Facility.** "Wireless communication facility" means Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Wireless communication facilities include antennas, commercial satellite dish antennas, and equipment buildings.

Wireless communication facilities do not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

**Wireless Communication Tower.** "Wireless communication tower" means a structure that elevates the wireless communication antenna and may include accessory transmission and receiving equipment, including, but not limited to, self-supporting lattice, guyed or monopole towers.

~~**Work-Live Unit.** "Work live unit" means an integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity with a substantial commercial component that may accommodate employees and walk-in trade.~~

## X

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No definitions for "X".

# Y

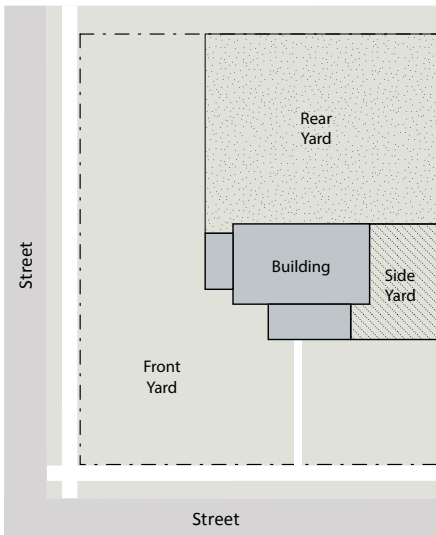
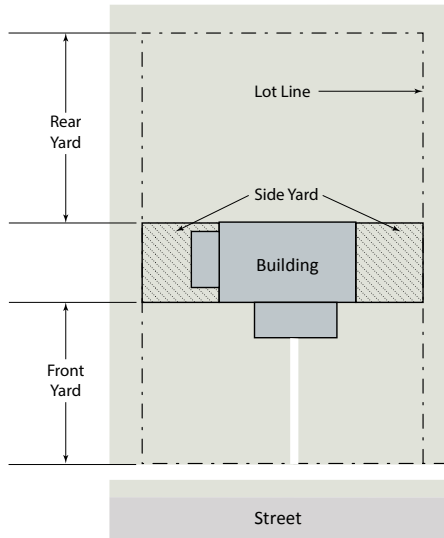
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**Yard.** "Yard" means the area between the buildable area on a lot and a lot line.

**Yard, Front.** See "Front Yard".

**Yard, Rear.** See "Rear Yard".

**Yard, Side.** See "Side Yard".



# Z

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No definitions for "Z".

